



# Oneida Business Committee

Regular Meeting  
8:30 AM Wednesday, September 14, 2022  
Virtual Meeting – Microsoft Teams

## Agenda

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Meeting agenda is available here: [oneida-nsn.gov/government/business-committee/agendas-packets/](https://oneida-nsn.gov/government/business-committee/agendas-packets/). Materials for the "General Tribal Council" section of the agenda, if any, are available to enrolled members of the Oneida Nation; to obtain a copy, visit the Government Administrative Office, 2nd floor, Norbert Hill Center and present a valid Tribal I.D. or go to <https://goo.gl/uLp2jE>. Scheduled times are subject to change.

### I. CALL TO ORDER

### II. OPENING

### III. ADOPT THE AGENDA

### IV. OATH OF OFFICE

- A. **Anna John Resident Centered Care Community Board - Valerie Groleau**  
Sponsor: Lisa Liggins, Secretary
- B. **Southeastern Wisconsin Oneida Tribal Services Advisory Board - Debra Lynn Fabian**  
Sponsor: Lisa Liggins, Secretary

### V. MINUTES

- A. **Approve the August 24, 2022, regular Business Committee meeting minutes**  
Sponsor: Lisa Liggins, Secretary
- B. **Approve the August 26, 2022, emergency Business Committee meeting minutes**  
Sponsor: Lisa Liggins, Secretary

### VI. RESOLUTIONS

- A. **Adopt resolution entitled Amendments to the Children's Code**  
Sponsor: David P. Jordan, Councilman

- B. Adopt resolution entitled Emergency Amendments to the Emergency Management Law**  
Sponsor: David P. Jordan, Councilman
- C. Adopt resolution entitled Extension of Declaration of Public Health State of Emergency Until November 19, 2022**  
Sponsor: Kaylynn Gresham, Director/Emergency Management
- D. Adopt resolution entitled Continuing to Operate Fiscal Year 2023**  
Sponsor: Jo Anne House, Chief Counsel
- E. Adopt resolution entitled Designated Tribal Representative to the North American Indigenous Games**  
Sponsor: Lisa Liggins, Secretary
- F. Enter the e-poll results into the record regarding the adopted BC resolution 09-01-22-A Oneida Nation Food Assistance Program - An Oneida General Welfare Exclusion Program**  
Sponsor: Lisa Liggins, Secretary

## **VII. APPOINTMENTS**

- A. Determine next steps regarding one vacancy - Oneida Police Commission**  
Sponsor: Lisa Liggins, Secretary

## **VIII. STANDING COMMITTEES**

- A. LEGISLATIVE OPERATING COMMITTEE**
  - 1. Accept the August 3, 2022, regular Legislative Operating Committee meeting minutes**  
Sponsor: David P. Jordan, Councilman

## **IX. STANDING ITEMS**

- A. ARPA FRF and Tribal Contribution Savings Submissions**
  - 1. Adopt resolution entitled Obligation for 200 Year Commemoration Events & Projects Utilizing Tribal Contribution Savings**  
Sponsor: Mark W. Powless, General Manager

**X. UNFINISHED BUSINESS****A. Finance Committee follow-ups (not submitted)**

Sponsor: Lisa Liggins, Secretary

*EXCERPT FROM MARCH 23, 2022: Motion by Jennifer Webster to approve the three (3) recommended corrective actions in the memorandum from Secretary Lisa Liggins dated March 13, 2022 [to retro-actively approve the September 4, 2019, memo from the Treasurer King and Larry Barton, CFO, changing the approval of the Finance Committee minutes to acceptance of the minutes and to retro-actively approve the determination of Treasurer King and Larry Barton, CFO, that the Purchasing Policies and Procedures require only approval of the Finance Committee without further action by the Oneida Business Committee; to direct the Finance Committee to submit the bylaws to the Legislative Operating Committee to comply with the Boards, Committees, and Commissions law and properly incorporate the requested amendments and direct that the final bylaws amendments be presented to the Business Committee within six (6) months; and to authorize the Purchasing Manager to serve on the Finance Committee retro-actively to October 7, 2011], seconded by Lisa Liggins. Motion carried.*

**B. Land Acquisitions Naming report (not submitted)**

Sponsor: Mark W. Powless, General Manager

*EXCERPT FROM JUNE 8, 2022: Motion by Tina Danforth to direct the General Manager to work with Land Management to update all documents in referencing former family names of acquisitions and to bring back a report to the first Business Committee meeting in August, seconded by Lisa Liggins. Motion carried.*

**C. Safe Shelter donation follow-up**

Sponsor: Marie Cornelius, Councilwoman

*EXCERPT FROM AUGUST 24, 2022: Motion by Marie Cornelius to recommend the allocation of \$150,000 from the Economic Development Diversity and Community Development Fund to the Safe Shelter, Inc. and to bring back a resolution in 21 days for the Business Committee to consider and to have Safe Shelter Inc. submit an itemized report on the first \$150,000 donated, seconded by Kirby Metoxen. Motion carried.*

**XI. TRAVEL REPORTS****A. Approve the travel report - Councilwoman Jennifer Webster - 2022 Kinship Care Tribal Consultation Meeting - Lac Du Flambeau, WI - August 15-16, 2022**

Sponsor: Jennifer Webster, Councilwoman

**XII. TRAVEL REQUESTS****A. Approve the travel request - Councilwoman Jennifer Webster - Administration for Children & Families Tribal Advisory Committee - Sequim, WA - October 11-15, 2022**

Sponsor: Jennifer Webster, Councilwoman

**B. Approve the travel request - Councilwoman Jennifer Webster - Multiple Events - Washington, D.C. - November 6-12, 2022**

Sponsor: Jennifer Webster, Councilwoman

- C. **Approve the travel request - Chairman Tehassi Hill and Councilwoman Marie Cornelius - Packers VIP trip - London, U.K. - October 4-10, 2022**  
Sponsor: Tehassi Hill, Chairman
- D. **Enter the e-poll results into the record regarding the approved travel request for Secretary Lisa Liggins to attend the Tribal Constitutions Native Nations Institute Seminar in Phoenix, AZ - September 18-20, 2022**  
Sponsor: Lisa Liggins, Secretary
- E. **Enter the e-poll results into the record regarding the approved travel request for Councilwoman Marie Cornelius to attend the WisDOT Inter-tribal Task Force meeting in Carter, WI – September 7-8, 2022**  
Sponsor: Lisa Liggins, Secretary

### **XIII. NEW BUSINESS**

- A. **Ratify the Memorandum of Agreement between the Oneida Gaming Commission, the Gaming General Manager, and the Internal Security Department in accordance with § 501.9-2**  
Sponsor: Mark A. Powless, Sr., Chair/Oneida Gaming Commission
- B. **Approve a limited waiver of sovereign immunity - Brown County Hazardous Waste Facility intergovernmental agreement - file # 2022-0464**  
Sponsor: Mark W. Powless, General Manager
- C. **Approve two (2) actions regarding the USDA FDPIR Joint Demonstration Project**  
Sponsor: Melinda J. Danforth, Director/Intergovernmental Affairs
- D. **Post one (1) vacancy - Oneida Nation School Board**  
Sponsor: Lisa Liggins, Secretary
- E. **Enter the e-poll results into the record regarding the approved donation request in the amount of \$112,473 to the fundraising efforts of the North American Indigenous Games, Team WI, Oneida from the BC Special Projects budget line**  
Sponsor: Lisa Liggins, Secretary

### **XIV. REPORTS**

- A. **CORPORATE BOARDS**
  - 1. **Accept the Oneida Golf Enterprise FY-2022 3rd quarter report**  
Sponsor: Justin Nishimoto, Agent/Oneida Golf Enterprise

**XV. EXECUTIVE SESSION****A. REPORTS**

1. **Accept the Chief Counsel report**  
Sponsor: Jo Anne House, Chief Counsel
2. **Accept the General Manager report (2:00 p.m.)**  
Sponsor: Mark W. Powless, General Manager
3. **Accept the Oneida Golf Enterprise FY-2022 3rd quarter executive report (2:30 p.m.)**  
Sponsor: Justin Nishimoto, Agent/Oneida Golf Enterprise
4. **Accept the Corporate Boards 3rd quarter analysis report (2:30 p.m.)**  
Sponsor: Justin Nishimoto, Business Analyst

**B. AUDIT COMMITTEE**

1. **Accept the July 21, 2022, regular Audit Committee meeting minutes**  
Sponsor: David P. Jordan, Councilman
2. **Accept the Governmental Services Administration performance assurance audit and lift the confidentiality requirement**  
Sponsor: David P. Jordan, Councilman
3. **Accept the Oneida Police Commission performance assurance audit and lift the confidentiality requirement**  
Sponsor: David P. Jordan, Councilman
4. **Accept the RSM correspondence as information**  
Sponsor: David P. Jordan, Councilman

**C. NEW BUSINESS**

1. **Accept the Oneida Airport Hotel Corporation update (3:30 p.m.)**  
Sponsor: Kathy Hughes, Chair/Oneida Airport Hotel Corporation
2. **Accept the THC Legalization Team update and determine next steps (3:00 p.m.)**  
Sponsor: Kristal Hill, Executive Assistant
3. **Accept the Village of Ashwaubenon Service Agreement update**  
Sponsor: Melinda J. Danforth, Director/Intergovernmental Affairs
4. **Approve contract - Government Policy Solutions, LLC - file # 2022-0734**  
Sponsor: Melinda J. Danforth, Director/Intergovernmental Affairs
5. **Approve two (2) actions regarding 2022 Expectations and 2022 Annual Projects & Targets for DR07 - file # 2018-1226**  
Sponsor: Lisa Liggins, Secretary

6. **Approve two (2) actions regarding 2022 Expectations and 2022 Annual Projects & Targets for DR08 - file # 2021-0256**  
Sponsor: Lisa Liggins, Secretary
7. **Approve two (2) actions regarding 2022 Expectations and 2022 Annual Projects & Targets for DR09 - file # 2021-0563**  
Sponsor: Lisa Liggins, Secretary
8. **Review and determine next steps regarding posting for DR05**  
Sponsor: Lisa Liggins, Secretary
9. **Review Application for one (1) vacancy - Oneida Police Commission**  
Sponsor: Lisa Liggins, Secretary
10. **Approve one (1) new enrollment**  
Sponsor: Jennifer Hill-Kelley, Chair/Oneida Trust Enrollment Committee

## **XVI. ADJOURN**

Posted on the Oneida Nation's official website, [www.oneida-nsn.gov](http://www.oneida-nsn.gov) pursuant to the Open Records and Open Meetings law (§ 107.14.)

The meeting packet of the open session materials for this meeting is available by going to the Oneida Nation's official website at: [oneida-nsn.gov/government/business-committee/agendas-packets/](http://oneida-nsn.gov/government/business-committee/agendas-packets/)

For information about this meeting, please call the Government Administrative Office at (920) 869-4364 or (800) 236-2214

Anna John Resident Centered Care Community Board - Valerie Groleau

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## Business Committee Agenda Request

**1. Meeting Date Requested:** 09/14/22

**2. General Information:**

Session:  Open  Executive – must qualify under §107.4-1.  
 Justification: *Choose reason for Executive.*

**3. Supporting Documents:**

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Bylaws                    | <input type="checkbox"/> Fiscal Impact Statement | <input type="checkbox"/> Presentation           |
| <input type="checkbox"/> Contract Document(s)      | <input type="checkbox"/> Law                     | <input type="checkbox"/> Report                 |
| <input checked="" type="checkbox"/> Correspondence | <input type="checkbox"/> Legal Review            | <input type="checkbox"/> Resolution             |
| <input type="checkbox"/> Draft GTC Notice          | <input type="checkbox"/> Minutes                 | <input type="checkbox"/> Rule (adoption packet) |
| <input type="checkbox"/> Draft GTC Packet          | <input type="checkbox"/> MOU/MOA                 | <input type="checkbox"/> Statement of Effect    |
| <input type="checkbox"/> E-poll results/back-up    | <input type="checkbox"/> Petition                | <input type="checkbox"/> Travel Documents       |
| <input type="checkbox"/> Other: <i>Describe</i>    |  |   |

**4. Budget Information:**

- |  |  |                                     |
|--|--|-------------------------------------|
| <input type="checkbox"/> Budgeted                  | <input type="checkbox"/> Budgeted – Grant Funded | <input type="checkbox"/> Unbudgeted |
| <input checked="" type="checkbox"/> Not Applicable | <input type="checkbox"/> Other: <i>Describe</i>  |                                     |

**5. Submission:**

Authorized Sponsor: Lisa Liggins, Secretary

Primary Requestor: Shannon Davis, Recording Clerk

Additional Requestor: (Name, Title/Entity)


Additional Requestor: (Name, Title/Entity)

Submitted By: SDAVIS



## Memorandum

TO: Oneida Business Committee

FROM: Brooke Doxtator, BCC Supervisor 

DATE: August 31, 2022

RE: Oath of Office – Anna John Resident Centered Care Community Board

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### Background

On August 24, 2022, the Oneida Business Committee appointed Valerie Groleau to the Anna John Resident Centered Care Community Board.



Southeastern Wisconsin Oneida Tribal Services Advisory Board - Debra Lynn Fabian

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## Business Committee Agenda Request

**1. Meeting Date Requested:** 09/14/22

**2. General Information:**

Session:  Open  Executive – must qualify under §107.4-1.

Justification: *Choose reason for Executive.*

**3. Supporting Documents:**

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Bylaws                    | <input type="checkbox"/> Fiscal Impact Statement | <input type="checkbox"/> Presentation           |
| <input type="checkbox"/> Contract Document(s)      | <input type="checkbox"/> Law                     | <input type="checkbox"/> Report                 |
| <input checked="" type="checkbox"/> Correspondence | <input type="checkbox"/> Legal Review            | <input type="checkbox"/> Resolution             |
| <input type="checkbox"/> Draft GTC Notice          | <input type="checkbox"/> Minutes                 | <input type="checkbox"/> Rule (adoption packet) |
| <input type="checkbox"/> Draft GTC Packet          | <input type="checkbox"/> MOU/MOA                 | <input type="checkbox"/> Statement of Effect    |
| <input type="checkbox"/> E-poll results/back-up    | <input type="checkbox"/> Petition                | <input type="checkbox"/> Travel Documents       |
| <input type="checkbox"/> Other: <i>Describe</i>    |  |   |

**4. Budget Information:**

- |  |  |                                     |
|--|--|-------------------------------------|
| <input type="checkbox"/> Budgeted                  | <input type="checkbox"/> Budgeted – Grant Funded | <input type="checkbox"/> Unbudgeted |
| <input checked="" type="checkbox"/> Not Applicable | <input type="checkbox"/> Other: <i>Describe</i>  |                                     |

**5. Submission:**

Authorized Sponsor: Lisa Liggins, Secretary

Primary Requestor: Bonnie Pigman, Recording Clerk

Additional Requestor: (Name, Title/Entity)


Additional Requestor: (Name, Title/Entity)

Submitted By: BPIGMAN



## Memorandum

TO: Oneida Business Committee

FROM: Brooke Doxtator, BCC Supervisor 

DATE: August 30, 2022

RE: Oath of Office – Southeastern Wisconsin Oneida Tribal Services Advisory Board

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### Background

On August 24, 2022, the Oneida Business Committee appointed Debra L. Fabian. to the Southeastern Wisconsin Oneida Tribal Services Advisory Board.

Approve the August 24, 2022, regular Business Committee meeting minutes

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## Business Committee Agenda Request

**1. Meeting Date Requested:** 09/14/22

**2. General Information:**

Session:  Open  Executive – must qualify under §107.4-1.  
 Justification: *Choose reason for Executive.*

**3. Supporting Documents:**

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Bylaws                 | <input type="checkbox"/> Fiscal Impact Statement | <input type="checkbox"/> Presentation           |
| <input type="checkbox"/> Contract Document(s)   | <input type="checkbox"/> Law                     | <input type="checkbox"/> Report                 |
| <input type="checkbox"/> Correspondence         | <input type="checkbox"/> Legal Review            | <input type="checkbox"/> Resolution             |
| <input type="checkbox"/> Draft GTC Notice       | <input checked="" type="checkbox"/> Minutes      | <input type="checkbox"/> Rule (adoption packet) |
| <input type="checkbox"/> Draft GTC Packet       | <input type="checkbox"/> MOU/MOA                 | <input type="checkbox"/> Statement of Effect    |
| <input type="checkbox"/> E-poll results/back-up | <input type="checkbox"/> Petition                | <input type="checkbox"/> Travel Documents       |
| <input type="checkbox"/> Other: <i>Describe</i> |  |   |

**4. Budget Information:**

- |  |  |                                     |
|--|--|-------------------------------------|
| <input type="checkbox"/> Budgeted                  | <input type="checkbox"/> Budgeted – Grant Funded | <input type="checkbox"/> Unbudgeted |
| <input checked="" type="checkbox"/> Not Applicable | <input type="checkbox"/> Other: <i>Describe</i>  |                                     |

**5. Submission:**

Authorized Sponsor: Lisa Liggins, Secretary

Primary Requestor: \_\_\_\_\_

Additional Requestor: (Name, Title/Entity)

Additional Requestor: (Name, Title/Entity)

Submitted By: CELLIS1

**DRAFT****Oneida Business Committee**

**Executive Session**  
**8:30 AM Tuesday, August 23, 2022**  
**Virtual Meeting – Microsoft Teams<sup>1</sup>**

**Regular Meeting**  
**8:30 AM Wednesday, August 24, 2022**  
**Virtual Meeting – Microsoft Teams**

**Minutes****EXECUTIVE SESSION**

**Present:** Chairman Tehassi Hill, Vice-Chairman Brandon Stevens, Secretary Lisa Liggins, Council members: Marie Cornelius, Daniel Guzman King, David P. Jordan, Kirby Metoxen, Jennifer Webster;

**Arrived at:** n/a

**Not Present:** Treasurer Tina Danforth;

**Others present:** Jo Anne House, Larry Barton, Melinda J. Danforth, Mark W. Powless, Louise Cornelius, Todd VanDen Heuvel, Debra Powless, Kaylynn Gresham, Katsitsiyo Danforth, Danelle Wilson, Kristal Hill, Ralinda Ninham-Lamberies, Brandon Wisneski, Tana Aguirre, James Petitjean, Melanie Burkhart, Lori Hill, Jacque Boyle, Shannon Stone, Tina Jorgensen, Josephine Skenandore, Renita Hernandez, Michelle Danforth-Anderson, Cheryl Stevens, Debra Danforth, Lisa Rauschenbach, Brenda Skenandore, Dana McLester, Mercie Danforth, Jeff Bowman, Nathan King, Jeff House, John Breuninger, Kathy Hughes, Jeff Wilson;

**REGULAR MEETING**

**Present:** Chairman Tehassi Hill, Vice-Chairman Brandon Stevens, Secretary Lisa Liggins, Council members: Daniel Guzman King, David P. Jordan, Kirby Metoxen, Marie Cornelius, Jennifer Webster;

**Not Present:** Treasurer Tina Danforth;

**Arrived at:** n/a

**Others present:** Jo Anne House, Larry Barton, Mark W. Powless, Todd Vandenneuvel, Katsitsiyo Danforth, Kaylynn Gresham, Danelle Wilson, Rhiannon Metoxen, Kristal Hill, Rae Skenandore, Lisa Summers, Clorissa Santiago, Melanie Burkhart, Lori Hill, Nicole Rommel, Jacqueline Smith, Paul Witek, Vanessa Miller, Carolyn Salutz, Grace Elliott, Jameson Wilson, Christopher Johnson, Debbie Melchert, Brooke Doxtator, Shannon Davis, Carol Silva, Kathy Hughes, Rebecca Webster, Kirsten VanDyke, Norbert Hill Jr., Sacheen Lawrence, Michelle Braaten, Jermaine Delgado, Raymond Skenandore, Kalene White, Michael King, Jennifer Hill, Mary Doxtator, Carole Liggins, Kathleen Cornelius, Mary Graves, Pearl Webster, Lauren Carr, Mike Debraska, Aliskwet Ellis;

**I. CALL TO ORDER**

*Meeting called to order by Chairman Tehassi Hill at 8:30 a.m.*

*For the record: Treasurer Tina Danforth is out on leave.*

**II. OPENING (00:00:44)**

*Opening provided Councilman Kirby Metoxen.*

<sup>1</sup> Microsoft Teams is software which provides a communication and collaboration platform for workplace chat, file sharing, and video meetings.

**DRAFT****III. ADOPT THE AGENDA (00:01:05)**

Motion by Marie Cornelius to adopt the agenda with four (4) changes [1) under the Appointments section, add item entitled Determine next steps regarding one (1) vacancy – Southeastern Wisconsin Oneida Tribal Services Advisory Board; 2) under the New Business section, add item entitled Accept the Oneida Nation Dual Language Signs Program update; 3) under the section Executive Session, New Business, add item entitled Review application(s) for one (1) vacancy – Southeastern Wisconsin Oneida Tribal Services Advisory Board; 4) under the section Executive Session, New Business, add item entitled Review Complaint 2022-DR08-03 and determine next steps.], seconded by Jennifer Webster. Motion carried:

Ayes: Marie Cornelius, Daniel Guzman King, David P. Jordan, Lisa Liggins, Kirby Metoxen, Brandon Stevens, Jennifer Webster  
 Not Present: Tina Danforth

**IV. OATH OF OFFICE**

- A. Oneida Election Board - Jermaine Delgado, Raymond Skenandore and Kalene White (00:03:55)**  
Sponsor: Lisa Liggins, Secretary
- B. Oneida Gaming Commission - Michelle Braaten (00:12:00)**  
Sponsor: Lisa Liggins, Secretary
- C. Oneida Land Claims Commission - Michael King (00:03:55)**  
Sponsor: Lisa Liggins, Secretary
- D. Oneida Land Commission - Jennifer Hill and Rebecca Webster (00:08:17)**  
Sponsor: Lisa Liggins, Secretary
- E. Oneida Nation Commission on Aging - Mary Doxtator and Carole Liggins (00:08:17)**  
Sponsor: Lisa Liggins, Secretary
- F. Oneida Nation School Board - Kathleen Cornelius and Sacheen Lawrence (00:12:00)**  
Sponsor: Lisa Liggins, Secretary
- G. Oneida Trust Enrollment Committee - Jermaine Delgado, Norbert Hill Jr. and Kirsten VanDyke (00:12:00)**  
Sponsor: Lisa Liggins, Secretary

*Oaths of office administered by Secretary Lisa Liggins. Jermaine Delgado, Raymond Skenandore, Kalene White, Michelle Braaten, Michael King, Jennifer Hill, Rebecca Webster, Mary Doxtator, Carole Liggins, Kathleen Cornelius, Sacheen Lawrence, Norbert Hill Jr. and Kirsten VanDyke were present.*

**DRAFT****V. MINUTES****A. Approve the August 10, 2022, regular Business Committee meeting minutes (00:16:00)**

Sponsor: Lisa Liggins, Secretary

Motion by David P. Jordan to approve the August 10, 2022, regular Business Committee meeting minutes, seconded by Jennifer Webster. Motion carried:

Ayes: Marie Cornelius, Daniel Guzman King, David P. Jordan, Lisa Liggins,  
Brandon Stevens, Jennifer Webster  
Abstained: Kirby Metoxen  
Not Present: Tina Danforth

**VI. RESOLUTIONS****A. Enter the e-poll results into the record regarding the adopted BC resolution 08-11-22-A Participation in Kunhi-Yo (I am healthy) 2022 Conference (00:16:45)**

Sponsor: Lisa Liggins, Secretary

Motion by Marie Cornelius to enter the e-poll results into the record regarding the adopted BC resolution 08-11-22-A Participation in Kunhi-Yo (I am healthy) 2022 Conference, seconded by Kirby Metoxen. Motion carried:

Ayes: Marie Cornelius, Daniel Guzman King, David P. Jordan, Lisa Liggins,  
Kirby Metoxen, Brandon Stevens, Jennifer Webster  
Not Present: Tina Danforth

*For the record: Secretary Lisa Liggins stated I would like to recognize community member Shannon Hill for bringing this suggestion to the Business Committee for consideration.*

**VII. APPOINTMENTS****A. Determine next steps regarding one (1) vacancy - Anna John Resident Centered Care Community Board (00:18:15)**

Sponsor: Lisa Liggins, Secretary

Motion by Lisa Liggins to accept the applicant and appoint Valerie Groleau to the Anna John Resident Centered Care Community Board for a term ending July 31, 2026, seconded by Marie Cornelius.

Motion carried:

Ayes: Marie Cornelius, Daniel Guzman King, David P. Jordan, Lisa Liggins,  
Kirby Metoxen, Brandon Stevens, Jennifer Webster  
Not Present: Tina Danforth

**DRAFT**

- B. Determine next steps regarding one (1) vacancy – Southeastern Wisconsin Oneida Tribal Services Advisory Board (00:19:15)**  
Sponsor: Lisa Liggins, Secretary

Motion by Lisa Liggins to accept the applicant and to appoint Debra Lynn Fabian to the Southeastern Wisconsin Oneida Tribal Services Advisory Board for a term ending March 31, 2024, seconded by Marie Cornelius. Motion carried:

Ayes: Marie Cornelius, Daniel Guzman King, David P. Jordan, Lisa Liggins,  
Kirby Metoxen, Brandon Stevens, Jennifer Webster  
Not Present: Tina Danforth

**VIII. STANDING COMMITTEES****A. COMMUNITY DEVELOPMENT PLANNING COMMITTEE**

- 1. Accept the July 7, 2022, regular Community Development Planning Committee meeting minutes (00:20:08)**  
Sponsor: Brandon Stevens, Vice-Chairman

Motion by Marie Cornelius to accept the July 7, 2022, regular Community Development Planning Committee meeting minutes, seconded by Kirby Metoxen. Motion carried:

Ayes: Marie Cornelius, Daniel Guzman King, David P. Jordan, Lisa Liggins,  
Kirby Metoxen, Brandon Stevens, Jennifer Webster  
Not Present: Tina Danforth

**B. FINANCE COMMITTEE**

- 1. Accept the August 1, 2022, regular Finance Committee meeting minutes (00:20:48)**  
Sponsor: Tina Danforth, Treasurer

Motion by Jennifer Webster to accept the August 1, 2022, regular Finance Committee meeting minutes, seconded by Marie Cornelius. Motion carried:

Ayes: Marie Cornelius, Daniel Guzman King, David P. Jordan, Lisa Liggins,  
Kirby Metoxen, Brandon Stevens, Jennifer Webster  
Not Present: Tina Danforth

- 2. Accept the August 15, 2022, regular Finance Committee meeting minutes (00:21:25)**  
Sponsor: Tina Danforth, Treasurer

Motion by Jennifer Webster to accept the August 15, 2022, regular Finance Committee meeting minutes, seconded by Kirby Metoxen. Motion carried:

Ayes: Marie Cornelius, Daniel Guzman King, David P. Jordan, Lisa Liggins,  
Kirby Metoxen, Brandon Stevens, Jennifer Webster  
Not Present: Tina Danforth

**DRAFT****IX. STANDING ITEMS****A. ARPA FRF and Tribal Contribution Savings Submissions****1. Consider the tribal member request regarding the Student Relief Fund (00:22:00)**

Sponsor: Lauren Carr, Tribal Member

Motion by Jennifer Webster to direct the General Manager to bring back a report to the September BC Work Session for consideration of Tribal Contribution Savings to fill this gap, seconded by Marie Cornelius. Motion carried:

Ayes: Marie Cornelius, Daniel Guzman King, David P. Jordan, Lisa Liggins, Brandon Stevens, Jennifer Webster  
 Opposed: Kirby Metoxen  
 Not Present: Tina Danforth

Motion by Lisa Liggins to direct the Legislative Operating Committee to consider adding a Higher Education policy/law to their active files list and to consider adding Administrative Rulemaking authority to said policy/law, seconded by Kirby Metoxen. Motion carried:

Ayes: Marie Cornelius, Daniel Guzman King, David P. Jordan, Lisa Liggins, Kirby Metoxen, Brandon Stevens, Jennifer Webster  
 Not Present: Tina Danforth

*Item XIII.A.1. was addressed next.*

**X. TRAVEL REPORTS****A. Approve the travel report - Chairman Tehassi Hill and Councilman Kirby Metoxen - Midwest Alliance of Sovereign Tribes (MAST) Summer meeting - New Buffalo, MI - August 9-12, 2022 (01:14:08)**

Sponsor: Tehassi Hill, Chairman

Motion by Lisa Liggins to approve the travel report from Chairman Tehassi Hill and Councilman Kirby Metoxen for the Midwest Alliance of Sovereign Tribes (MAST) Summer meeting in New Buffalo, MI - August 9-12, 2022, and direct Intergovernmental Affairs and Communications to draft a letter of support for H.R. 3597, RESPECT Act, seconded by Marie Cornelius. Motion carried:

Ayes: Marie Cornelius, Daniel Guzman King, David P. Jordan, Lisa Liggins, Kirby Metoxen, Brandon Stevens, Jennifer Webster  
 Not Present: Tina Danforth



**DRAFT****XI. TRAVEL REQUESTS**

- A. Enter the e-poll results into the record regarding the approved travel request for Vice-Chairman Brandon Stevens to attend the Secretary of the Interior The Road to Healing in Pellston, MI - August 12-13, 2022 (01:15:37)**  
Sponsor: Lisa Liggins, Secretary

Motion by Jennifer Webster to enter the e-poll results into the record regarding the approved travel request for Vice-Chairman Brandon Stevens to attend the Secretary of the Interior The Road to Healing in Pellston, MI - August 12-13, 2022, seconded by Marie Cornelius. Motion carried:

Ayes: Marie Cornelius, Daniel Guzman King, David P. Jordan, Lisa Liggins,  
Kirby Metoxen, Brandon Stevens, Jennifer Webster

Not Present: Tina Danforth

- B. Enter the e-poll results into the record regarding the approved the travel request for Vice-Chairman Brandon Stevens to attend the Democratic Congressional Campaign Committee TEAM Program Palm Springs Issues Conference in Rancho Mirage, CA - September 8-10, 2022 (01:17:03)**  
Sponsor: Lisa Liggins, Secretary

Motion by Jennifer Webster to enter the e-poll results into the record regarding the approved the travel request for Vice-Chairman Brandon Stevens to attend the Democratic Congressional Campaign Committee TEAM Program Palm Springs Issues Conference in Rancho Mirage, CA - September 8-10, 2022, seconded by David P. Jordan. Motion carried:

Ayes: Marie Cornelius, Daniel Guzman King, David P. Jordan, Lisa Liggins,  
Kirby Metoxen, Brandon Stevens, Jennifer Webster

Not Present: Tina Danforth

*For the record: Councilwoman Jennifer Webster stated I believe that if council people can go out and attend on travel, they can come into work as well. Thank you.*

**XII. NEW BUSINESS**

- A. Approve two (2) requested actions - CDC # 15-001 Oneida Community Cannery (01:18:51)**  
Sponsor: Mark W. Powless, General Manager

Motion by Lisa Liggins to approve the CDC approval package for CDC # 15-001 Oneida Community Cannery and to activate \$7,155,000 from the Tribal Contribution Savings for CDC # 15-001 Oneida Community Cannery, seconded by Marie Cornelius. Motion carried:

Ayes: Marie Cornelius, Daniel Guzman King, David P. Jordan, Lisa Liggins,  
Kirby Metoxen, Brandon Stevens, Jennifer Webster

Not Present: Tina Danforth

- B. Post one (1) vacancy - Oneida Nation Commission on Aging (01:24:34)**  
Sponsor: Lisa Liggins, Secretary

Motion by David P. Jordan to post one (1) vacancy - Oneida Nation Commission on Aging, seconded by Marie Cornelius. Motion carried:

Ayes: Marie Cornelius, Daniel Guzman King, David P. Jordan, Lisa Liggins,  
Kirby Metoxen, Brandon Stevens, Jennifer Webster

Not Present: Tina Danforth

**DRAFT****C. Consider Quality of Life Committee recommendation of allocating \$150,000 from the Economic Development Diversity and Community Development Fund to the Safe Shelter, Inc. (01:25:17)**

Sponsor: Marie Cornelius, Councilwoman

*Councilwoman Jennifer Webster left at 9:56 p.m.*

Motion by Marie Cornelius to recommend the allocation of \$150,000 from the Economic Development Diversity and Community Development Fund to the Safe Shelter, Inc. and to bring back a resolution in 21 days for the Business Committee to consider and to have Safe Shelter Inc. submit an itemized report on the first \$150,000 donated, seconded by Kirby Metoxen. Motion carried:

Ayes:	Marie Cornelius, David P. Jordan, Kirby Metoxen
Opposed:	Lisa Liggins
Abstained:	Daniel Guzman King, Brandon Stevens
Not Present:	Tina Danforth, Jennifer Webster

*For the record: Secretary Lisa Liggins stated I opposed this action because this item is not ready for further BC action. This item should be deferred back to the Quality of Life committee for the request to be perfected to include the requirements of the BC resolution 04-27-22-B, and all the requirements in the Quality of Life committee memorandum dated June 17, 2022.*

**D. Accept the Oneida Nation Dual Language Signs Program update (01:50:38)**

Sponsor: Marie Cornelius, Councilwoman

*Councilman Daniel Guzman King left at 10:21 a.m.*

Motion by Lisa Liggins to accept the Oneida Nation Dual Language Signs Program update, seconded by Kirby Metoxen. Motion carried:

Ayes:	Marie Cornelius, David P. Jordan, Lisa Liggins, Kirby Metoxen, Brandon Stevens
Not Present:	Tina Danforth, Daniel Guzman King, Jennifer Webster

*For the record: Secretary Lisa Liggins stated I want to thank Councilwoman Cornelius for all her work on this project and I appreciate the updates. Thank you.*

*Item XIV.A. was addressed next.***XIII. REPORTS****A. CORPORATE BOARDS****1. Accept the Bay Bancorporation Inc. FY-2022 3rd quarter report (01:11:16)**

Sponsor: Jeff Bowman, President/Bay Bank

Motion by Lisa Liggins to accept the Bay Bancorporation Inc. FY-2022 3rd quarter report, seconded by Jennifer Webster. Motion carried:

Ayes:	Marie Cornelius, Daniel Guzman King, David P. Jordan, Lisa Liggins, Kirby Metoxen, Brandon Stevens, Jennifer Webster
Not Present:	Tina Danforth

**DRAFT****2. Accept the Oneida Airport Hotel Corporation FY-2022 3rd quarter report (01:11:56)**

Sponsor: Kathy Hughes, Chair/Oneida Airport Hotel Corporation

Motion by Marie Cornelius to accept the Oneida Airport Hotel Corporation FY-2022 3rd quarter report, seconded by Jennifer Webster. Motion carried:

Ayes: Marie Cornelius, Daniel Guzman King, David P. Jordan, Lisa Liggins,  
Kirby Metoxen, Brandon Stevens, Jennifer Webster

Not Present: Tina Danforth

**3. Accept the Oneida ESC Group, LLC FY-2022 3rd quarter report (01:12:40)**

Sponsor: John Breuninger, Chair/Oneida ESC Group Board of Managers

Motion by Marie Cornelius to accept the Oneida ESC Group, LLC FY-2022 3rd quarter report, seconded by Brandon Stevens. Motion carried:

Ayes: Marie Cornelius, Daniel Guzman King, David P. Jordan, Lisa Liggins,  
Kirby Metoxen, Brandon Stevens, Jennifer Webster

Not Present: Tina Danforth

**4. Accept the Oneida Golf Enterprise FY-2022 3rd quarter report (01:13:13)**

Sponsor: Justin Nishimoto, Agent/Oneida Golf Enterprise

Motion by Jennifer Webster to defer the Oneida Golf Enterprise FY-2022 3rd quarter report to the September 14, 2022, regular Business Committee meeting, seconded by Lisa Liggins. Motion carried:

Ayes: Marie Cornelius, Daniel Guzman King, David P. Jordan, Lisa Liggins,  
Kirby Metoxen, Brandon Stevens, Jennifer Webster

Not Present: Tina Danforth

*Item X.A. was addressed next.*

**DRAFT****XIV. GENERAL TRIBAL COUNCIL****A. Reschedule the special General Tribal Council meeting to consider the FY-2023 budget (01:53:18);(01:58:54)**

Sponsor: Lisa Liggins, Secretary

*Councilman Daniel Guzman King returned at 10:26 a.m.*

Motion by David Jordan to reschedule the special General Tribal Council meeting to consider the FY-2023 budget to Sunday, December 11, 2022, at 10:00 a.m., seconded by Kirby Metoxen. Motion carried:

Ayes:	Daniel Guzman King, David P. Jordan, Lisa Liggins, Brandon Stevens
Opposed:	Marie Cornelius, Kirby Metoxen
Not Present:	Tina Danforth, Jennifer Webster

*For the record: Secretary Lisa Liggins stated the draft production schedule has already been provided to Finance with noting the due date for the meeting materials is October 18<sup>th</sup>, for consideration at the October 26, BC meeting. Thank you.*

Motion by Lisa Liggins to recess at 10:27 a.m. until 2:00 p.m., seconded by Marie Cornelius. Motion carried:

Ayes:	Marie Cornelius, Daniel Guzman King, David P. Jordan, Lisa Liggins, Kirby Metoxen, Brandon Stevens
Not Present:	Tina Danforth, Jennifer Webster

*Meeting called to order by Chairman Tehassi Hill at 2:00 p.m.*

*Roll call for the record:*

*Present: Councilwoman Marie Cornelius; Councilman Daniel Guzman King; Chairman Tehassi Hill; Councilman David P. Jordan; Secretary Lisa Liggins; Councilman Kirby Metoxen; Vice-Chairman Brandon Stevens; Councilwoman Jennifer Webster;*

*Not Present: Treasurer Tina Danforth;*

*Item XV. was addressed next.*

*For the record: Secretary Lisa Liggins stated I am in agreement with rescheduling the budget presentation to the GTC because the budget did not get presented with sufficient analysis to allow us to understand that \$97 million in carry over funding was available and used to balance the FY-2023 budget without notice or recognition of the imbalance being generated for future fiscal years requiring significant cuts to operations thus prohibiting the Business Committee from being able to consider and determine if this action is in the best interest of the Oneida Nation and its members. The budget was presented to the Business Committee on July 25 by the Assistant CFO and there were no steps taken to ensure that the Business Committee was fully aware of the actions to "balance" the budget which ensured a budget crisis could face the Nation in FY-2024. Thank you.*

*Item XV.A.1. was addressed next.*

**DRAFT****XV. EXECUTIVE SESSION**

Motion by Marie Cornelius to go into executive session at 2:01 p.m., seconded by Jennifer Webster.  
Motion carried:

Ayes: Marie Cornelius, Daniel Guzman King, David P. Jordan, Lisa Liggins,  
Kirby Metoxen, Brandon Stevens, Jennifer Webster  
Not Present: Tina Danforth

Motion by David P. Jordan to come out of executive session at 4:17 p.m., seconded by Jennifer Webster. Motion carried:

Ayes: Marie Cornelius, Daniel Guzman King, David P. Jordan, Lisa Liggins,  
Kirby Metoxen, Brandon Stevens, Jennifer Webster  
Not Present: Tina Danforth

*Item XIV.A. was re-addressed next.*

**A. REPORTS****1. Accept the Chief Counsel report (02:02:08)**

Sponsor: Jo Anne House, Chief Counsel

Motion by David P. Jordan to accept the Chief Counsel report, seconded by Marie Cornelius. Motion carried:

Ayes: Marie Cornelius, Daniel Guzman King, David P. Jordan, Lisa Liggins,  
Kirby Metoxen, Brandon Stevens, Jennifer Webster  
Not Present: Tina Danforth

**2. Accept the General Manager report (02:03:13)**

Sponsor: Mark W. Powless, General Manager

Motion by David P. Jordan to accept the General Manager report, seconded by Marie Cornelius. Motion carried:

Ayes: Marie Cornelius, Daniel Guzman King, David P. Jordan, Lisa Liggins,  
Kirby Metoxen, Brandon Stevens, Jennifer Webster  
Not Present: Tina Danforth

Motion by Lisa Liggins to adopt resolution entitled 08-24-22-A Amending Obligation of ARPA FRF LR TCS Funds for 2021 Pandemic Relief Food Card Distribution to Obligate Remaining Unclaimed Food Cards to the Oneida Nation Food Pantry and move the resolution to open session, seconded by David P. Jordan. Motion carried:

Ayes: Marie Cornelius, Daniel Guzman King, David P. Jordan, Lisa Liggins,  
Kirby Metoxen, Brandon Stevens, Jennifer Webster  
Not Present: Tina Danforth

**DRAFT****3. Accept the Chief Financial Officer August 2022 report (02:04:35)**

Sponsor: Larry Barton, Chief Financial Officer

Motion by Lisa Liggins to accept the Chief Financial Officer August 2022 report and to approve the extension of the USDA FDPIR Join Demonstration Project and authorize Chairman Tehassi Hill to sign form SF-30 file # 2021-0723 Modification of Contract<sup>2</sup>, seconded by Jennifer Webster. Motion carried:

Ayes: Marie Cornelius, Daniel Guzman King, David P. Jordan, Lisa Liggins,  
Kirby Metoxen, Brandon Stevens, Jennifer Webster

Not Present: Tina Danforth

**4. Accept the Intergovernmental Affairs, Communications, and Self-Governance August 2022 report (02:05:19)**

Sponsor: Melinda J. Danforth, Director/Intergovernmental Affairs

Motion by Marie Cornelius to accept the Intergovernmental Affairs, Communications, and Self-Governance August 2022 report, seconded by Jennifer Webster. Motion carried:

Ayes: Marie Cornelius, Daniel Guzman King, David P. Jordan, Lisa Liggins,  
Kirby Metoxen, Brandon Stevens, Jennifer Webster

Not Present: Tina Danforth

**5. Accept the Treasurer's July 2022 report (02:06:21)**

Sponsor: Tina Danforth, Treasurer

Motion by Marie Cornelius to accept the Treasurer's July 2022 report, seconded by David P. Jordan. Motion carried:

Ayes: Marie Cornelius, Daniel Guzman King, David P. Jordan, Lisa Liggins,  
Kirby Metoxen, Brandon Stevens, Jennifer Webster

Not Present: Tina Danforth

**6. Accept the Bay Bancorporation Inc. FY-2022 3rd quarter executive report (02:06:45)**

Sponsor: Jeff Bowman, President/Bay Bank

Motion by Lisa Liggins to accept item XV.A.6, 7, and 8, seconded by Marie Cornelius. Motion carried:

Ayes: Marie Cornelius, Daniel Guzman King, David P. Jordan, Lisa Liggins,  
Kirby Metoxen, Brandon Stevens, Jennifer Webster

Not Present: Tina Danforth

**7. Accept the Oneida Airport Hotel Corporation FY-2022 3rd quarter executive report (02:06:45)**

Sponsor: Kathy Hughes, Chair/Oneida Airport Hotel Corporation

Motion by Lisa Liggins to accept item XV.A.6, 7, and 8, seconded by Marie Cornelius. Motion carried:

Ayes: Marie Cornelius, Daniel Guzman King, David P. Jordan, Lisa Liggins,  
Kirby Metoxen, Brandon Stevens, Jennifer Webster

Not Present: Tina Danforth

<sup>2</sup> The backup documentation for this motion can be found under item XV.A.4.

**DRAFT****8. Accept the Oneida ESC Group, LLC FY-2022 3rd quarter executive report (02:06:45)**

Sponsor: John Breuninger, Chair/Oneida ESC Group Board of Managers

Motion by Lisa Liggins to accept item XV.A.6, 7, and 8, seconded by Marie Cornelius. Motion carried:

Ayes: Marie Cornelius, Daniel Guzman King, David P. Jordan, Lisa Liggins,  
Kirby Metoxen, Brandon Stevens, Jennifer Webster

Not Present: Tina Danforth

**9. Accept the Oneida Golf Enterprise FY-2022 3rd quarter executive report (02:07:40)**

Sponsor: Justin Nishimoto, Agent/Oneida Golf Enterprise

Motion by Marie Cornelius to defer item XV.A.9 &amp; 10 to the September 14, 2022, regular Business Committee meeting, seconded by David P. Jordan. Motion carried:

Ayes: Marie Cornelius, Daniel Guzman King, David P. Jordan, Lisa Liggins,  
Kirby Metoxen, Brandon Stevens, Jennifer Webster

Not Present: Tina Danforth

**10. Accept the Corporate Boards 3rd quarter analysis report (02:07:40)**

Sponsor: Justin Nishimoto, Business Analyst

Motion by Marie Cornelius to defer item XV.A.9 &amp; 10 to the September 14, 2022, regular Business Committee meeting, seconded by David P. Jordan. Motion carried:

Ayes: Marie Cornelius, Daniel Guzman King, David P. Jordan, Lisa Liggins,  
Kirby Metoxen, Brandon Stevens, Jennifer Webster

Not Present: Tina Danforth

**B. AUDIT COMMITTEE****1. Approve the FY-2021 year end audited financial statements presented by RSM, US Auditors (02:08:40)**

Sponsor: David P. Jordan, Councilman

Motion by Jennifer Webster to accept the FY-2021 year end audited financial statements presented by RSM, US Auditors, seconded by David P. Jordan. Motion carried:

Ayes: Marie Cornelius, Daniel Guzman King, David P. Jordan, Kirby  
Metoxen, Brandon Stevens, Jennifer Webster

Abstained: Lisa Liggins

Not Present: Tina Danforth

**C. NEW BUSINESS****1. Approve 81 new enrollments (02:09:34)**

Sponsor: Jennifer Hill-Kelley, Chair/Trust Enrollment Committee

Motion by Brandon Stevens to approve 81 new enrollments, seconded by David P. Jordan. Motion carried:

Ayes: Marie Cornelius, Daniel Guzman King, David P. Jordan, Lisa Liggins,  
Kirby Metoxen, Brandon Stevens, Jennifer Webster

Not Present: Tina Danforth

**DRAFT****2. Review Application(s) for one (1) vacancy - Anna John Resident Centered Care Community Board (02:10:04)**

Sponsor: Lisa Liggins, Secretary

Motion by Jennifer Webster to accept the discussion regarding the application for one (1) vacancy - Anna John Resident Centered Care Community Board, seconded by Kirby Metoxen. Motion carried:

Ayes: Marie Cornelius, Daniel Guzman King, David P. Jordan, Lisa Liggins,  
Kirby Metoxen, Brandon Stevens, Jennifer Webster

Not Present: Tina Danforth

**3. Review project report from DR 15 and determine next steps (02:10:39)**

Sponsor: Lisa Liggins, Secretary

Motion by Marie Cornelius to accept the discussion regarding the project report from DR 15 as information, seconded by Jennifer Webster. Motion carried:

Ayes: Marie Cornelius, Daniel Guzman King, David P. Jordan, Lisa Liggins,  
Kirby Metoxen, Brandon Stevens, Jennifer Webster

Not Present: Tina Danforth

**4. Determine next steps regarding two (2) actions regarding employment vacancy (02:11:10)**

Sponsor: Lisa Liggins, Secretary

Motion by David P. Jordan to accept the discussion regarding two (2) actions regarding employment vacancy as information, seconded by Marie Cornelius. Motion carried:

Ayes: Marie Cornelius, Daniel Guzman King, David P. Jordan, Lisa Liggins,  
Kirby Metoxen, Brandon Stevens, Jennifer Webster

Not Present: Tina Danforth

**5. Determine next steps regarding DR05 employment contract – file #2022-0647 (02:11:49)**

Sponsor: Tehassi Hill, Chairman

Motion by Jennifer Webster to accept the discussion regarding DR05 employment contract – file #2022-0647, seconded by Marie Cornelius. Motion carried:

Ayes: Marie Cornelius, Daniel Guzman King, David P. Jordan, Lisa Liggins,  
Kirby Metoxen, Brandon Stevens, Jennifer Webster

Not Present: Tina Danforth

Motion by Lisa Liggins to approve the provisions outlined in the memorandum dated August 24, 2022, seconded by Jennifer Webster. Motion carried:

Ayes: Marie Cornelius, Daniel Guzman King, David P. Jordan, Lisa Liggins,  
Kirby Metoxen, Brandon Stevens, Jennifer Webster

Not Present: Tina Danforth

Motion by Jennifer Webster to assign Chairman Tehassi Hill, Vice-Chairman Brandon Stevens, and Secretary Lisa Liggins to a sub-team to carry out final contact execution, seconded by Marie Cornelius. Motion carried:

Ayes: Marie Cornelius, Daniel Guzman King, David P. Jordan, Lisa Liggins,  
Kirby Metoxen, Brandon Stevens, Jennifer Webster

Not Present: Tina Danforth



**DRAFT**

**6. Review application(s) for one (1) vacancy – Southeastern Wisconsin Oneida Tribal Services Advisory Board (02:13:35)**

Sponsor: Lisa Liggins, Secretary

Motion by Jennifer Webster to accept the discussion regarding the application for one (1) vacancy – Southeastern Wisconsin Oneida Tribal Services Advisory Board, seconded by Brandon Stevens.

Motion carried:

- Ayes: Marie Cornelius, Daniel Guzman King, David P. Jordan, Lisa Liggins, Kirby Metoxen, Brandon Stevens, Jennifer Webster
- Not Present: Tina Danforth

**7. Review complaint # 2022-DR08-03 and determine next steps (02:14:06)**

Sponsor: Kristal Hill, Executive Assistant

Motion by Kirby Metoxen to determine # complaint #2022-DR08-03 has merit and assign a sub-team, which consists of Chairman Tehassi Hill, Vice-Chairman Brandon Stevens, and Councilwoman Marie Cornelius, seconded by Jennifer Webster. Motion carried:

- Ayes: Marie Cornelius, Daniel Guzman King, David P. Jordan, Kirby Metoxen, Brandon Stevens, Jennifer Webster
- Abstained: Lisa Liggins
- Not Present: Tina Danforth

*For the record: Secretary Lisa Liggins stated I did recuse myself for every part of this item.*

**XVI. ADJOURN (02:14:50)**

Motion by David P. Jordan to adjourn at 4:34 p.m., seconded by Marie Cornelius. Motion carried:

- Ayes: Marie Cornelius, Daniel Guzman King, David P. Jordan, Lisa Liggins, Kirby Metoxen, Brandon Stevens, Jennifer Webster
- Not Present: Tina Danforth

Minutes prepared by Aliskwet Ellis, Information Management Specialist.  
Minutes approved as presented on \_\_\_\_\_.

\_\_\_\_\_  
Lisa Liggins, Secretary  
ONEIDA BUSINESS COMMITTEE

Approve the August 26, 2022, emergency Business Committee meeting minutes

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## Business Committee Agenda Request

**1. Meeting Date Requested:** 09/14/22

**2. General Information:**

Session:  Open  Executive – must qualify under §107.4-1.  
Justification: *Choose reason for Executive.*

**3. Supporting Documents:**

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Bylaws                 | <input type="checkbox"/> Fiscal Impact Statement | <input type="checkbox"/> Presentation           |
| <input type="checkbox"/> Contract Document(s)   | <input type="checkbox"/> Law                     | <input type="checkbox"/> Report                 |
| <input type="checkbox"/> Correspondence         | <input type="checkbox"/> Legal Review            | <input type="checkbox"/> Resolution             |
| <input type="checkbox"/> Draft GTC Notice       | <input checked="" type="checkbox"/> Minutes      | <input type="checkbox"/> Rule (adoption packet) |
| <input type="checkbox"/> Draft GTC Packet       | <input type="checkbox"/> MOU/MOA                 | <input type="checkbox"/> Statement of Effect    |
| <input type="checkbox"/> E-poll results/back-up | <input type="checkbox"/> Petition                | <input type="checkbox"/> Travel Documents       |
| <input type="checkbox"/> Other: <i>Describe</i> |  |   |

**4. Budget Information:**

- |  |  |                                     |
|--|--|-------------------------------------|
| <input type="checkbox"/> Budgeted                  | <input type="checkbox"/> Budgeted – Grant Funded | <input type="checkbox"/> Unbudgeted |
| <input checked="" type="checkbox"/> Not Applicable | <input type="checkbox"/> Other: <i>Describe</i>  |                                     |

**5. Submission:**

Authorized Sponsor: Lisa Liggins, Secretary

Primary Requestor: \_\_\_\_\_

Additional Requestor: (Name, Title/Entity)

Additional Requestor: (Name, Title/Entity)

Submitted By: CELLIS1

**DRAFT****Oneida Business Committee**

**Emergency Meeting**  
**9:00 AM Friday, August 26, 2022**  
**Virtual Meeting - Microsoft Teams<sup>1</sup>**

**Minutes****EMERGENCY MEETING**

**Present:** Chairman Tehassi Hill, Vice-Chairman Brandon Stevens, Council members: Marie Cornelius, Daniel Guzman King, David P. Jordan, Kirby Metoxen, Jennifer Webster;

**Not Present:** Treasurer Tina Danforth;

**Arrived at:** Secretary Lisa Liggins at 9:06 a.m.;

**Others present:** Jo Anne House, Larry Barton, Mark W. Powless, Debra Powless, Kaylynn Gresham, Danelle Wilson, Kristal Hill, Rhiannon Metoxen, Rae Skenandore, Lisa Summers, Clorissa Santiago, Debra Danforth, Michelle Myers, Christopher Johnson, Aliskwet Ellis;

**I. CALL TO ORDER<sup>2</sup>**

*Meeting called to order by Chairman Tehassi Hill at 9:00 a.m.*

*For the record: Treasurer Tina Danforth is out on leave.*

**II. ADOPT THE AGENDA (00:00:10)**

Motion by Marie Cornelius to adopt the agenda with two (2) changes [1) add section entitled Executive Session; and 2) add item entitled Approve a limited waiver of sovereign immunity - InEvent Inc. Master Subscription Agreement - file # 2022-0687], seconded by Jennifer Webster. Motion carried:

Ayes: Marie Cornelius, Daniel Guzman King, David P. Jordan, Kirby Metoxen, Brandon Stevens, Jennifer Webster

Not Present: Tina Danforth, Lisa Liggins

<sup>1</sup> Microsoft Teams is software which provides a communication and collaboration platform for workplace chat, file sharing, and video meetings.

<sup>2</sup> Due to technical difficulties the Call to Order was not recorded.

**DRAFT****III. GENERAL TRIBAL COUNCIL****A. Determine next steps for the special General Tribal Council meeting scheduled on August 30, 2022 (00:01:30)**

Sponsor: Tehassi Hill, Chairman

*Secretary Lisa Liggins arrived at 9:06 a.m.*

Motion by Jennifer Webster to cancel the August 30, 2022, special General Tribal Council meeting, seconded by Brandon Stevens. Motion carried:

Ayes: Marie Cornelius, Daniel Guzman King, David P. Jordan, Lisa Liggins, Kirby Metoxen, Brandon Stevens, Jennifer Webster

Not Present: Tina Danforth

*For the record: Councilman Kirby Metoxen stated I'd like to oppose and have a GTC meeting, but you know I think we made a commitment and I supported it if we have a high in Brown, Outagamie, or Milwaukee it's cancelled, so I will have to continue to support it.**For record: Secretary Lisa Liggins stated I have similar comments to Councilman Kirby Metoxen.*

Motion by Jennifer Webster to direct the Secretary's office to reach out to the petitioners that were on the agenda to see if they still want to move forth with being on a General Tribal Council agenda, seconded by Lisa Liggins. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Brandon Stevens, Jennifer Webster

Opposed: Marie Cornelius, Lisa Liggins, Kirby Metoxen

Not Present: Tina Danforth

*For the record: Councilwoman Marie Cornelius stated I don't think that's necessary. It's just adding more work, extra work, in my opinion. We all know that the petitioners are very boisterous and very concerned and there's petitions out there that need to be addressed. So, I just think it's an extra step that's not necessary. Thank you.*

**DRAFT****IV. EXECUTIVE SESSION (00:13:05)**

Motion by Jennifer Webster to go into executive session at 9:17 a.m., seconded by Marie Cornelius.  
Motion carried:

Ayes: Marie Cornelius, Daniel Guzman King, David P. Jordan, Lisa Liggins,  
Kirby Metoxen, Brandon Stevens, Jennifer Webster  
Not Present: Tina Danforth

Motion by Jennifer Webster to come out of executive session at 9:32 a.m., seconded by Marie Cornelius. Motion carried:

Ayes: Marie Cornelius, Daniel Guzman King, David P. Jordan, Lisa Liggins,  
Kirby Metoxen, Brandon Stevens, Jennifer Webster  
Not Present: Tina Danforth

- A. Approve a limited waiver of sovereign immunity - InEvent Inc. Master Subscription Agreement - file # 2022-0687 (00:14:17)**  
Sponsor: Jo Anne House, Chief Counsel

Motion by Marie Cornelius to approve a limited waiver of sovereign immunity for the InEvent Inc. Master Subscription Agreement - file # 2022-0687, seconded by Lisa Liggins. Motion carried:

Ayes: Marie Cornelius, Daniel Guzman King, David P. Jordan, Lisa Liggins,  
Kirby Metoxen, Brandon Stevens, Jennifer Webster  
Not Present: Tina Danforth

*For the record: Secretary Lisa Liggins stated I'd like to thank the Virtual sub-team in getting us to this point including: the Chief Information Officer, Dr. Shane Archiquette; Chief Counsel, Dr. Jo Anne House; and the Business Committee Area Manager, Lisa Summers.*

**V. ADJOURN (00:15:50)**

Motion by Marie Cornelius to adjourn at 9:34 a.m., seconded by Daniel Guzman King. Motion carried:

Ayes: Marie Cornelius, Daniel Guzman King, David P. Jordan, Lisa Liggins,  
Kirby Metoxen, Brandon Stevens, Jennifer Webster  
Not Present: Tina Danforth

Minutes prepared by Aliskwet Ellis, Information Management Specialist.  
Minutes approved as presented on \_\_\_\_\_.

---

Lisa Liggins, Secretary  
ONEIDA BUSINESS COMMITTEE

Adopt resolution entitled Amendments to the Children's Code

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**Business Committee Agenda Request**

**1. Meeting Date Requested:** 09/14/22

**2. Session:**

Open     Executive – must qualify under §107.4-1.

Justification: *Choose or type justification.*

**3. Requested Motion:**

Accept as information; OR

Adopt the resolution entitled, “Amendments to the Children’s Code”

**4. Areas potentially impacted or affected by this request:**

Finance

Programs/Services

Law Office

MIS

Gaming/Retail

Boards, Committees, or Commissions

Other: Legislative Operating

Committee

**5. Additional attendees needed for this request:**

*Name, Title/Entity OR Choose from List*

*Name, Title/Entity OR Choose from List*

*Name, Title/Entity OR Choose from List*

*Name, Title/Entity OR Choose from List*

**6. Supporting Documents:**

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> Bylaws                                 | <input checked="" type="checkbox"/> Fiscal Impact Statement | <input type="checkbox"/> Presentation                   |
| <input type="checkbox"/> Contract Document(s)                   | <input checked="" type="checkbox"/> Law                     | <input type="checkbox"/> Report                         |
| <input checked="" type="checkbox"/> Correspondence              | <input type="checkbox"/> Legal Review                       | <input checked="" type="checkbox"/> Resolution          |
| <input type="checkbox"/> Draft GTC Notice                       | <input type="checkbox"/> Minutes                            | <input type="checkbox"/> Rule (adoption packet)         |
| <input type="checkbox"/> Draft GTC Packet                       | <input type="checkbox"/> MOU/MOA                            | <input checked="" type="checkbox"/> Statement of Effect |
| <input type="checkbox"/> E-poll results/back-up                 | <input type="checkbox"/> Petition                           | <input type="checkbox"/> Travel Documents               |
| <input checked="" type="checkbox"/> Other: Legislative Analysis |   |   |

**7. Budget Information:**

- |   |  |
|---|--|
| <input type="checkbox"/> Budgeted – Tribal Contribution | <input type="checkbox"/> Budgeted – Grant Funded   |
| <input type="checkbox"/> Unbudgeted                     | <input checked="" type="checkbox"/> Not Applicable |
| <input type="checkbox"/> Other: <i>Describe</i>         |  |

**8. Submission:**

Authorized Sponsor: David P. Jordan, Councilman

Primary Requestor: Clorissa N. Santiago, LRO Senior Staff Attorney



Oneida Nation  
 Oneida Business Committee  
 Legislative Operating Committee  
 PO Box 365 • Oneida, WI 54155-0365  
 Oneida-nsn.gov



TO: Oneida Business Committee  
 FROM: David P. Jordan, LOC Chairperson  
 DATE: September 14, 2022  
 RE: Adoption of the Children's Code Amendments

Please find the following attached backup documentation for your consideration of the adoption of the Children's Code Amendments:

1. Resolution: Amendments to the Children's Code
2. Statement of Effect: Amendments to the Children's Code
3. Children's Code Amendments Legislative Analysis
4. Children's Code Amendments Draft (Redline)
5. Children's Code Amendments Draft (Clean)
6. Children's Code Amendments Fiscal Impact Statement

#### Overview

The Children's Code provides for the welfare, care, and protection of Oneida children through the preservation of the family unit, while recognizing that in some circumstances it may be in the child's best interest to not be reunited with his or her family. Furthermore, this law strengthens family life by assisting parents in fulfilling their responsibilities as well as facilitating the return of Oneida children to the jurisdiction of the Nation and acknowledging the customs and traditions of the Nation when raising an Oneida child. [7 O.C. 708.1-1]. The proposed amendments to the Children's Code will:

- Provide that any orders made by the Court under this law, or any orders made by a court of competent jurisdiction regarding child welfare matters, shall supersede any other order made by this Court or a court of competent jurisdiction regarding custody or placement of a child until the Children's Code or other child welfare orders are dismissed [7 O.C. 708.5-6];
- Provide that the Department may enter into a protective plan with a family [7 O.C. 708.7-1(f)];
- Update the general notice provisions in the Children's Code, as well as notice provisions throughout the Children's Code to provide greater clarification on providing notice in child welfare matters [7 O.C. 708.12];
- Allow the Department to withhold the placement provider's identifying information from the child's parent, guardian, or legal custodian if there are reasonable grounds to believe that disclosure would result in imminent danger to the child or anyone else, but that a parent, guardian, or legal custodian may request judicial review of the decision to withhold the identifying information [7 O.C. 708.12-4];
- Provide clarification on how a matter is referred to the Oneida Nation Child Support Agency for initiating a paternity action, and allow the Department may sign documents



required by the Oneida Nation Child Support Agency on behalf of the family for the limited purpose of initiating a paternity action [7 O.C. 708.13-3];

- Provide that the Department shall make available for inspection or disclosure the contents of any record kept, regardless of the originating source, to a guardian ad litem appointed in a Children's Code or family law case when that access is granted by order of the Court [7 O.C. 708.14-2];
- Allow the Department to make an ex parte request to the Court to conduct an in-camera review to determine what information should and should not be released to the parties and their counsel [7 O.C. 708.14-6];
- Allow a child to be held in custody in a hospital or other medical or mental health facility [7 O.C. 708.15-6(f)];
- Provide information that may be, but is not required to be, included in the Court's order to hold a child in custody [7 O.C. 7008.16-6(b)];
- Allow the Department to request the placement of the child outside of the child's home at the plea hearing [7 O.C. 708.19-5];
- Allow for the suspension of parental rights in addition to the termination of parental rights [7 O.C. 708.32];
- Update the continuing need of protection or services ground for involuntary suspension or termination of parental rights to be consistent with recent revisions to State statute [7 O.C. 708.34-1(c)];
- Provide information that may be, but is not required to be, included in the Court's order of disposition for the suspension or termination of parental rights [7 O.C. 708.40-4(c)];
- Clarify that an adoption under this law shall take the form of customary adoption when the Court has granted a petition to suspend parental rights, and take the form of a closed adoption when the Court has granted a petition to terminate parental rights [7 O.C. 708.41-1];
- Allow the Department to contract with a third-party agency to conduct an adoption investigation that may have been ordered by the Court [7 O.C. 708.43-3(b)]; and
- Make other minor drafting revisions throughout the Children's Code.

The Legislative Operating Committee developed the Children's Code amendments through collaboration with representatives from the Oneida Law Office, Indian Child Welfare Department, Oneida Family Court. The Legislative Operating Committee held ten (10) work meetings on the development of the Children's Code.

In accordance with the Legislative Procedures Act, a public meeting on the proposed Children's Code was held on June 15, 2022. No individuals provided oral comments during the public meeting. The public comment period was then held open until June 22, 2022. The Legislative Operating Committee received one (1) submission of written comments during the public comment period. All public comments received were accepted, reviewed, and considered by the Legislative Operating Committee on July 6, 2022, and July 14, 2022. Any changes made based on those comments have been incorporated into this draft.

### **Requested Action**

Adopt the Resolution: Amendments to the Children's Code

# Oneida Nation

Post Office Box 365

Phone: (920)869-2214

Oneida, WI 54155



**BC Resolution # \_\_\_\_\_**  
**Amendments to the Children's Code**

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**WHEREAS,** the Oneida Nation is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States of America; and

**WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation; and

**WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1, of the Oneida Tribal Constitution by the Oneida General Tribal Council; and

**WHEREAS,** the Children's Code was adopted by the Oneida Business Committee through resolution BC-07-26-17-J; and

**WHEREAS,** the purpose of the Children's Code is to provide for the welfare, care, and protection of Oneida children through the preservation of the family unit, while recognizing that in some circumstances it may be in the child's best interest to not be reunited with his or her family; and

**WHEREAS,** furthermore, the Children's Code strengthens family life by assisting parents in fulfilling their responsibilities as well as facilitating the return of Oneida children to the jurisdiction of the Nation and acknowledging the customs and traditions of the Nation when raising an Oneida child; and

**WHEREAS,** it is the policy of the Nation to ensure there is a standard process for conducting judicial proceedings and other procedures in which children and all other interested parties are provided fair hearings in addition to ensuring their legal rights are recognized and enforced, while protecting the public safety; and

**WHEREAS,** the amendments to the Children's Code provide that any orders made by the Court under this law, or any orders made by a court of competent jurisdiction regarding child welfare matters, shall supersede any other order made by this Court or a court of competent jurisdiction regarding custody or placement of a child until the Children's Code or other child welfare orders are dismissed; and

**WHEREAS,** the amendments to the Children's Code provide that the Department may enter into a protective plan with a family; and

**WHEREAS,** the amendments to the Children's Code update the general notice provisions in the Children's Code, as well as notice provisions throughout the Children's Code to provide greater clarification on providing notice in child welfare matters; and

- 42 **WHEREAS,** the amendments to the Children's Code allow the Department to withhold the placement  
43 provider's identifying information from the child's parent, guardian, or legal custodian if  
44 there are reasonable grounds to believe that disclosure would result in imminent danger to  
45 the child or anyone else, but that a parent, guardian, or legal custodian may request judicial  
46 review of the decision to withhold the identifying information; and  
47
- 48 **WHEREAS,** the amendments to the Children's Code provide clarification on how a matter is referred to  
49 the Oneida Nation Child Support Agency for initiating a paternity action, and allow the  
50 Department may sign documents required by the Oneida Nation Child Support Agency on  
51 behalf of the family for the limited purpose of initiating a paternity action; and  
52
- 53 **WHEREAS,** the amendments to the Children's Code provide that the Department shall make available  
54 for inspection or disclosure the contents of any record kept, regardless of the originating  
55 source, to a guardian ad litem appointed in a Children's Code or family law case when that  
56 access is granted by order of the Court; and  
57
- 58 **WHEREAS,** the amendments to the Children's Code allow the Department to make an ex parte request  
59 to the Court to conduct an in-camera review to determine what information should and  
60 should not be released to the parties and their counsel; and  
61
- 62 **WHEREAS,** the amendments to the Children's Code allow a child to be held in custody in a hospital or  
63 other medical or mental health facility; and  
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- 65 **WHEREAS,** the amendments to the Children's Code provide information that may be, but is not required  
66 to be, included in the Court's order to hold a child in custody; and  
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- 68 **WHEREAS,** the amendments to the Children's Code allow the Department to request the placement of  
69 the child outside of the child's home at the plea hearing; and  
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- 71 **WHEREAS,** the amendments to the Children's Code allow for the suspension of parental rights in  
72 addition to the termination of parental rights; and  
73
- 74 **WHEREAS,** the amendments to the Children's Code update the continuing need of protection or  
75 services ground for involuntary suspension or termination of parental rights to be consistent  
76 with recent revisions to State statute; and  
77
- 78 **WHEREAS,** the amendments to the Children's Code provide information that may be, but is not required  
79 to be, included in the Court's order of disposition for the suspension or termination of  
80 parental rights; and  
81
- 82 **WHEREAS,** the amendments to the Children's Code clarify that an adoption under this law shall take  
83 the form of customary adoption when the Court has granted a petition to suspend parental  
84 rights, and take the form of a closed adoption when the Court has granted a petition to  
85 terminate parental rights; and  
86
- 87 **WHEREAS,** the amendments to the Children's Code allow the Department to contract with a third-party  
88 agency to conduct an adoption investigation that may have been ordered by the Court; and  
89
- 90 **WHEREAS,** the amendments to the Children's Code make other minor drafting revisions throughout  
91 the Children's Code; and  
92  
93

94 **WHEREAS,** in accordance with the Legislative Procedures Act a legislative analysis and fiscal impact  
95 statement were developed for this Law; and  
96  
97 **WHEREAS,** a public meeting on this proposed Law was held on June 15, 2022, and the public comment  
98 period was held open until June 22, 2022; and  
99  
100 **WHEREAS,** the Legislative Operating Committee accepted, reviewed, and considered all public  
101 comments received on July 6, 2022 and July 14, 2022; and  
102  
103 **NOW THEREFORE BE IT RESOLVED,** that the amendments to the Children's Code are hereby adopted  
104 and shall be effective on September 28, 2022.



**Statement of Effect**  
*Amendments to the Children's Code*

**Summary**

This resolution adopts amendments to the Children's Code.

*Submitted by: Clorissa N. Santiago, Senior Staff Attorney, Legislative Reference Office*

*Date: August 29, 2022*

**Analysis by the Legislative Reference Office**

This resolution adopts amendments to the Children's Code. The Children's Code provides for the welfare, care, and protection of Oneida children through the preservation of the family unit, while recognizing that in some circumstances it may be in the child's best interest to not be reunited with his or her family. Furthermore, the Children's Code strengthens family life by assisting parents in fulfilling their responsibilities as well as facilitating the return of Oneida children to the jurisdiction of the Nation and acknowledging the customs and traditions of the Nation when raising an Oneida child. [7 O.C. 708.1-1]. This resolution adopts the amendments to the Children's Code which will:

- Provide that any orders made by the Court under this law, or any orders made by a court of competent jurisdiction regarding child welfare matters, shall supersede any other order made by this Court or a court of competent jurisdiction regarding custody or placement of a child until the Children's Code or other child welfare orders are dismissed [7 O.C. 708.5-6];
- Provide that the Department may enter into a protective plan with a family [7 O.C. 708.7-1(f)];
- Update the general notice provisions in the Children's Code, as well as notice provisions throughout the Children's Code to provide greater clarification on providing notice in child welfare matters [7 O.C. 708.12];
- Allow the Department to withhold the placement provider's identifying information from the child's parent, guardian, or legal custodian if there are reasonable grounds to believe that disclosure would result in imminent danger to the child or anyone else, but that a parent, guardian, or legal custodian may request judicial review of the decision to withhold the identifying information [7 O.C. 708.12-4];
- Provide clarification on how a matter is referred to the Oneida Nation Child Support Agency for initiating a paternity action, and allow the Department may sign documents required by the Oneida Nation Child Support Agency on behalf of the family for the limited purpose of initiating a paternity action [7 O.C. 708.13-3];
- Provide that the Department shall make available for inspection or disclosure the contents of any record kept, regardless of the originating source, to a guardian ad litem appointed in a Children's Code or family law case when that access is granted by order of the Court [7 O.C. 708.14-2];

- Allow the Department to make an ex parte request to the Court to conduct an in-camera review to determine what information should and should not be released to the parties and their counsel [7 O.C. 708.14-6];
- Allow a child to be held in custody in a hospital or other medical or mental health facility [7 O.C. 708.15-6(f)];
- Provide information that may be, but is not required to be, included in the Court's order to hold a child in custody [7 O.C. 7008.16-6(b)];
- Allow the Department to request the placement of the child outside of the child's home at the plea hearing [7 O.C. 708.19-5];
- Allow for the suspension of parental rights in addition to the termination of parental rights [7 O.C. 708.32];
- Update the continuing need of protection or services ground for involuntary suspension or termination of parental rights to be consistent with recent revisions to State statute [7 O.C. 708.34-1(c)];
- Provide information that may be, but is not required to be, included in the Court's order of disposition for the suspension or termination of parental rights [7 O.C. 708.40-4(c)];
- Clarify that an adoption under this law shall take the form of customary adoption when the Court has granted a petition to suspend parental rights, and take the form of a closed adoption when the Court has granted a petition to terminate parental rights [7 O.C. 708.41-1];
- Allow the Department to contract with a third-party agency to conduct an adoption investigation that may have been ordered by the Court [7 O.C. 708.43-3(b)]; and
- Make other minor drafting revisions throughout the Children's Code.

The Legislative Procedures Act ("the LPA") was adopted by the General Tribal Council for the purpose of providing a process for the adoption or amendment of laws of the Nation. [1 O.C. 109.1-1]. The Children's Code amendments complied with all processes and procedures required by the LPA, including the development of a legislative analysis, a fiscal analysis, and the opportunity for public review during a public meeting and public comment period. [1 O.C. 109.6, 109.7, 109.8].

A public meeting on the proposed Children's Code was held on June 15, 2022. No individuals provided oral comments during the public meeting. The public comment period was then held open until June 22, 2022. The Legislative Operating Committee received one (1) submission of written comments during the public comment period. All public comments received were accepted, reviewed, and considered by the Legislative Operating Committee on July 6, 2022 and July 14, 2022. Any changes made based on those comments have been incorporated into this draft.

The Children's Code amendments will become effective on September 28, 2022, in accordance with the LPA. [1 O.C. 109.9-3].

### ***Conclusion***

Adoption of this resolution would not conflict with any of the Nation's laws.



## CHILDREN’S CODE AMENDMENTS LEGISLATIVE ANALYSIS

### SECTION 1. EXECUTIVE SUMMARY

<i>Analysis by the Legislative Reference Office</i>	
Intent of the Proposed Amendments	<ul style="list-style-type: none"> <li>▪ Provide that any orders made by the Court under this law, or any orders made by a court of competent jurisdiction regarding child welfare matters, shall supersede any other order made by this Court or a court of competent jurisdiction regarding custody or placement of a child until the Children’s Code or other child welfare orders are dismissed [7 O.C. 708.5-6];</li> <li>▪ Provide that the Department may enter into a protective plan with a family [7 O.C. 708.7-1(f)];</li> <li>▪ Update the general notice provisions in the Children’s Code, as well as notice provisions throughout the Children’s Code to provide greater clarification on providing notice in child welfare matters [7 O.C. 708.12];</li> <li>▪ Allow the Department to withhold the placement provider’s identifying information from the child’s parent, guardian, or legal custodian if there are reasonable grounds to believe that disclosure would result in imminent danger to the child or anyone else, but that a parent, guardian, or legal custodian may request judicial review of the decision to withhold the identifying information [7 O.C. 708.12-4];</li> <li>▪ Provide clarification on how a matter is referred to the Oneida Nation Child Support Agency for initiating a paternity action, and allow the Department may sign documents required by the Oneida Nation Child Support Agency on behalf of the family for the limited purpose of initiating a paternity action [7 O.C. 708.13-3];</li> <li>▪ Provide that the Department shall make available for inspection or disclosure the contents of any record kept, regardless of the originating source, to a guardian ad litem appointed in a Children’s Code or family law case when that access is granted by order of the Court. [7 O.C. 708.14-2].</li> <li>▪ Allow the Department to make an ex parte request to the Court to conduct an in-camera review to determine what information should and should not be released to the parties and their counsel [7 O.C. 708.14-7];</li> <li>▪ Allow a child to be held in custody in a hospital or other medical or mental health facility [7 O.C. 708.15-6(f)];</li> <li>▪ Provide information that may be, but is not required to be, included in the Court’s order to hold a child in custody [7 O.C. 7008.16-6(b)];</li> <li>▪ Allow the Department to request the placement of the child outside of the child’s home at the plea hearing [7 O.C. 708.19-5];</li> <li>▪ Allow for the suspension of parental rights in addition to the termination of parental rights [7 O.C. 708.32];</li> <li>▪ Update the continuing need of protection or services ground for involuntary suspension or termination of parental rights to be consistent with recent revisions to State statute [7 O.C. 708.34-1(c)];</li> </ul>

	<ul style="list-style-type: none"> <li>▪ Provide information that may be, but is not required to be, included in the Court’s order of disposition for the suspension or termination of parental rights [7 O.C. 708.40-4(c)];</li> <li>▪ Clarify that an adoption under this law shall take the form of customary adoption when the Court has granted a petition to suspend parental rights, and take the form of a closed adoption when the Court has granted a petition to terminate parental rights [7 O.C. 708.41-1];</li> <li>▪ Allow the Department to contract with a third-party agency to conduct an adoption investigation that may have been ordered by the Court [7 O.C. 708.43-3(b)]; and</li> <li>▪ Make other minor drafting revisions throughout the Children’s Code.</li> </ul>
<b>Purpose</b>	The purpose of this law is to provide for the welfare, care, and protection of Oneida children through the preservation of the family unit, while recognizing that in some circumstances it may be in the child’s best interest to not be reunited with his or her family. Furthermore, this law strengthens family life by assisting parents in fulfilling their responsibilities as well as facilitating the return of Oneida children to the jurisdiction of the Nation and acknowledging the customs and traditions of the Nation when raising an Oneida child. [7 O.C. 708.1-1].
<b>Affected Entities</b>	Indian Child Welfare Department (“the Department”), Oneida Family Court (“the Court”), Oneida Law Office
<b>Related Legislation</b>	Oneida Judiciary Rules of Civil Procedure, Oneida Judiciary Rules of Evidence, Family Court law, Paternity law, Child Support law
<b>Public Meeting</b>	A public meeting was held in accordance with the Legislative Procedures Act on June 15, 2022, with a public comment period held open until June 22, 2022.
<b>Fiscal Impact</b>	A fiscal impact statement was provided by the Finance Department on August 12, 2022.

## 1 SECTION 2. LEGISLATIVE DEVELOPMENT

2 **A. Background.** The Children’s Code was adopted by the Oneida Business Committee on July 26, 2017,  
3 through the adoption of resolution BC-07-26-17-J for the purpose of providing for the welfare, care,  
4 and protection of Oneida children through the preservation of the family unit, while recognizing that in  
5 some circumstances it may be in the child’s best interest to not be reunited with his or her family.  
6 Furthermore, the Children’s Code strengthens family life by assisting parents in fulfilling their  
7 responsibilities as well as facilitating the return of Oneida children to the jurisdiction of the Nation and  
8 acknowledging the customs and traditions of the Nation when raising an Oneida child. [7 O.C. 708.1-  
9 1]. It is the policy of the Nation to ensure there is a standard process for conducting judicial proceedings  
10 and other procedures in which children and all other interested parties are provided fair hearings in  
11 addition to ensuring their legal rights are recognized and enforced, while protecting the public safety.  
12 [7 O.C. 708.1-2].

13 **B. Request for Amendments.** On August 25, 2020, the Oneida Law Office and Indian Child Welfare  
14 Department requested that emergency amendments be made to the Children’s Code to address  
15 customary adoption. The departments were seeking amendments to the Children’s Code regarding  
16 customary adoption be changed to allow for a suspension of rights rather than a termination of rights  
17 to allow for the adopting family to be eligible for Adoption Assistance with the State. On August 28,  
18 2020, the LOC considered this request and determined that it did not meet the standard for emergency



19 amendments provided by the Legislative Procedures Act, but that the LOC would add this item to the  
20 AFL for amendments to be made via the normal legislative process. The Legislative Operating  
21 Committee added the Children's Code amendments to its Active Files List on October 7, 2020.

22 C. The Legislative Operating Committee is now seeking amendments to the Children's Code.

23

### 24 **SECTION 3. CONSULTATION AND OUTREACH**

25 A. Representatives from the following departments or entities participated in the development of the  
26 amendments to the Children's Code and this legislative analysis:

- 27     ▪ Oneida Law Office;
- 28     ▪ Indian Child Welfare Department; and
- 29     ▪ Oneida Family Court.

30 B. The following laws were reviewed in the drafting of this analysis:

- 31     ▪ Oneida Judiciary Rules of Civil Procedure;
- 32     ▪ Family Court Law;
- 33     ▪ Paternity law;
- 34     ▪ Child Support law; and
- 35     ▪ Child Custody, Placement, and Visitation law.

36

### 37 **SECTION 4. PROCESS**

38 A. The development of the proposed amendments to the Children's Code complies with the process set  
39 forth in the Legislative Procedures Act (LPA).

- 40     ▪ On October 7, 2020, the Legislative Operating Committee added the Law to its Active Files  
41 List.
- 42     ▪ On April 20, 2022, the Legislative Operating Committee approved the draft of the proposed  
43 amendments to the Children's Code and directed that a legislative analysis be developed.
- 44     ▪ On May 4, 2022, the Legislative Operating Committee approved the updated draft and the  
45 legislative analysis for Children's Code amendments.
- 46     ▪ On May 18, 2022, the Legislative Operating Committee approved the public meeting packet  
47 and forwarded the Children's Code amendments to a public meeting to be held on June 15,  
48 2022.
- 49     ▪ The public meeting was held on June 15, 2022, in person in the Business Committee  
50 Conference Room in the Norbert Hill Center as well as on Microsoft Teams. No individuals  
51 provided public comment during the public meeting.
- 52     ▪ The public comment period was then held open until June 22, 2022. One (1) submission of  
53 written comments was received during the public comment period.
- 54     ▪ On July 6, 2022, the Legislative Operating Committee accepted the public comments and the  
55 public comment review memorandum and deferred these items to a work meeting for further  
56 consideration.
- 57     ▪ On July 14, 2022, the Legislative Operating Committee reviewed and considered the public  
58 comment that was received.
- 59     ▪ On July 20, 2022, the Legislative Operating Committee approved the updated public comment  
60 review memorandum, draft, and legislative analysis; approved the updated public comment  
61 review memorandum, draft, and legislative analysis, and directed the Indian Child Welfare

62 Department to pursue amendments to their MOU with the Trust Enrollments Department; and  
63 approved the fiscal impact statement request memorandum and forwarded these items to the  
64 Finance Department directing that a fiscal impact statement be prepared and submitted to the  
65 LOC by August 17, 2022.

66 ■ On August 12, 2022, the Finance Department provided the Legislative Operating Committee  
67 with a fiscal impact statement for the proposed amendments to the Children's Code.

68 **B.** At the time this legislative analysis was developed the following work meetings had been held  
69 regarding the development of this Law:

70 ■ October 13, 2020: LOC work session with the Indian Child Welfare Department and Oneida  
71 Law Office.

72 ■ April 12, 2021: LOC work session with the Oneida Family Court.

73 ■ April 12, 2021: LOC work session with the Indian Child Welfare Department and Oneida Law  
74 Office.

75 ■ April 26, 2021: LOC work session with the Oneida Family Court.

76 ■ June 4, 2021: Work session with the Indian Child Welfare Department and the Oneida Law  
77 Office.

78 ■ February 16, 2022: LOC work session with Oneida Law Office.

79 ■ April 12, 2022: LOC work session with the Indian Child Welfare Department, Oneida Law  
80 Office, and the Oneida Family Court.

81 ■ May 12, 2022: LOC work session.

82 ■ July 14, 2022: LOC work session.

83 ■ July 28, 2022: LOC work session with the Indian Child Welfare Department, Oneida Law  
84 Office, and the Oneida Family Court.

85

## 86 **SECTION 5. CONTENTS OF THE LEGISLATION**

87 **A. *Hierarchy of Child Welfare Court Orders.*** A new provision added to the Children's Code through  
88 these amendments provides that any orders made by the Court under this law, or any orders made by a  
89 court of competent jurisdiction regarding child welfare matters, shall supersede any other order made  
90 by this Court or a court of competent jurisdiction regarding custody or placement of a child until the  
91 Children's Code or other child welfare orders are dismissed. [7 O.C. 708.5-6].

92 ■ *Effect.* The overall purpose of this provision is to provide clarification that any orders made by the  
93 Court under this law, or any orders made by a court of competent jurisdiction regarding child  
94 welfare matters, shall supersede any other order made by this Court or a court of competent  
95 jurisdiction regarding custody or placement of a child until the Children's Code or other child  
96 welfare orders are dismissed. This clarification was added to prevent an individual from seeking a  
97 custody or placement order for a child in this Court or a court of competent jurisdiction in an attempt  
98 to trump a child welfare order.

99 **B. *Protective Plans.*** The Children's Code provides the various duties and responsibilities of the Indian  
100 Child Welfare Worker. [7 O.C. 708.7-1]. The Children's Code provides that an Indian Child Welfare  
101 worker may enter into informal dispositions with families. [7 O.C. 708.7-1(f)]. The proposed  
102 amendments to the Children's Code revise the responsibilities and duties of the Indian Child Welfare  
103 work to include that they also may enter into a protective plan with a family. *Id.* Definitions for both  
104 informal dispositions and protective plans were then added to the Children's Code. Informal disposition  
105 is defined in the Children's Code as a written agreement with all the parties describing the conditions

106 and obligations that must be met to ensure the child is protected and to alleviate the condition that led  
107 to the referral to the Department. [7 O.C. 708.3-1(bb)]. An informal disposition is utilized by the  
108 Department when the Department determines that the interest of the child does not require a formal  
109 Court intervention to provide protection and services to the child. *Id.* Protective plan is defined as an  
110 immediate short-term action that protects a child from present danger threats in order to allow for  
111 completion of the initial assessment, investigation and, if needed, the implementation of a safety plan.  
112 [7 O.C. 708.3-1(nn)].

113     ▪ *Effect.* The proposed amendments to the Children’s Code provide greater clarification as to the  
114 duties and responsibilities of the Indian Child Welfare workers.

115 **C. General Notice Provisions.** The proposed amendments to the Children’s Code update the general  
116 notice provisions in the Children’s Code. The proposed amendments to the Children’s Code provide  
117 that service of documents and notices shall be as specified in this law, and if a method of service is not  
118 specified in this law then service shall be by first-class mail to the recently verified last-known address  
119 of the party. [7 O.C. 708.12-1]. If a party’s whereabouts are unknown and cannot be found after diligent  
120 effort, service shall be by publication as described in the Oneida Judiciary Rules of Civil Procedure. *Id.*  
121 The proposed amendments provide that the Court shall provide the parties with notice of all hearings  
122 at least seven (7) days prior to the hearing, with the purpose of providing the parties an opportunity to  
123 be heard, except in situations where a hearing is scheduled and it is not possible to provide notice at  
124 least seven (7) days prior to the hearing, the Court shall make an appropriate effort to notice all parties  
125 of the hearing. [7 O.C. 708.12-2]. Additionally, the proposed amendments provide that when the  
126 Department is required to perform personal service, the Indian Child Welfare Worker may deliver the  
127 document(s) directly to the party(s) if such service is appropriate and safe under the circumstances, and  
128 in the alternative, personal service may be accomplished according to the Oneida Judiciary Rules of  
129 Civil Procedure. The proposed amendments also include a new provision which provides that in all  
130 proceedings under this law, the Department may withhold the placement provider’s identifying  
131 information from the child’s parent, guardian, or legal custodian if there are reasonable grounds to  
132 believe that disclosure would result in imminent danger to the child or anyone else, but that a parent,  
133 guardian, or legal custodian may request judicial review of the decision to withhold the identifying  
134 information. [7 O.C. 708.12-4]. Previously the Children’s Code provided general provisions on the  
135 notice of petitions, and provided that petitions alleging that a child is in need of protection or services  
136 may be given to the parties directly by the Nation’s Child Welfare attorney or the Indian Child Welfare  
137 Worker or served on the parties pursuant to the Oneida Judiciary Rules of Civil Procedure. While  
138 petitions for termination of parental rights, guardianship, and adoption shall be served on all other  
139 parties pursuant to the Oneida Judiciary Rules of Civil Procedure. The Children’s previously provided  
140 that all parties shall be notified of all subsequent hearings under this law by first-class mail to the  
141 recently verified last-known address of the party.

142     ▪ *Effect.* Updates were made to the general notice provisions in the Children’s Code to provide  
143 greater clarification on how notice is provided to the parties involved in child welfare matters. The  
144 prior simple reference to following the Oneida Judiciary Rules of Civil Procedure did not provide  
145 the Indian Child Welfare Department and the Oneida Law Office the guidance they needed in how  
146 notice should occur, because the Oneida Judiciary Rules of Civil Procedures did not address the  
147 notice of particular documents or processes contained in the Children’s Code. The new provisions  
148 provide the necessary clarification to guide notice practices under the Children’s Code.

- 149 **D. *Notice Provisions Throughout the Law.*** In addition to the general notice provisions that have been  
150 amended in section 708.12, notice provisions have been clarified and updated throughout the Children’s  
151 Code including:
- 152       ▪ *Section 708.16-3.* The proposed amendments to the Children’s Code remove a provision  
153 which states that prior to the start of a hearing for emergency custody, the Court shall  
154 provide a copy of the petition to the parent, guardian, and legal custodian, if present, and  
155 to the child if he or she is twelve (12) years of age or older. Instead, the proposed  
156 amendments now provide that for any parties not present at the hearing, the Department  
157 shall serve the petition on those parties by verified mail, return receipt requested.
  - 158       ▪ *Section 708.17-1.* The proposed amendments to the Children’s Code provide that upon  
159 filing with the Court, the Department shall provide a copy of the petition for a child in need  
160 of protection or services to the parties by personal service or, if personal service is not  
161 possible, by certified mail with return receipt requested.
  - 162       ▪ *Section 708.17-5.* The proposed amendments to the Children’s Code provide that upon  
163 filing with the Court, the Department shall provide a copy of the amended petition to the  
164 parties by certified mail with return receipt requested. Previously, this section of the  
165 Children’s Code provided that an amended petition may be given to the parties directly by  
166 the Nation’s Child Welfare attorney or the Indian Child Welfare Worker or served on the  
167 parties pursuant to the Oneida Judiciary Rules of Civil Procedure.
  - 168       ▪ *Section 708.21-1.* The Children’s Code provides that before the dispositional hearing, the  
169 Department shall submit a written report to the Court, with a copy provided to the parties  
170 at least seven (7) days prior to the hearing. The proposed amendments to the Children’s  
171 Code clarify that the copy of the written report shall be provided to the parties by first-class  
172 mail.
  - 173       ▪ *Section 708.23-3.* The proposed amendments to the Children’s Code provide that at least  
174 seven (7) days before the date of the permanency plan hearing, the Department shall file  
175 the updated permanency plan with the Court and provide a copy to the parties by first-class  
176 mail. Previously, this section of the Children’s Code required that at least five (5) business  
177 days before the date of the hearing the Department shall provide a copy of the updated  
178 permanency plan to the Court and the parties.
  - 179       ▪ *Section 708.24-4.* The proposed amendments to the Children’s Code provide that upon  
180 filing with the Court, the Department shall provide a copy of the request for a change in  
181 placement to the parties by first-class mail. Previously, this section of the Children’s Code  
182 provided that written notice of the proposed change in placement shall be sent to all of the  
183 parties pursuant to the Oneida Judiciary Rules of Civil Procedure.
  - 184       ▪ *Section 708.24-6.* The proposed amendments to the Children’s Code provide that the  
185 Department shall notify the parties of the emergency change in placement by personal  
186 service as soon as possible but no later than seventy-two (72) hours after the emergency  
187 change in placement excluding Saturdays, Sundays, and holidays. Previously, this section  
188 of the Children’s Code provided that notice of the emergency change in placement shall be  
189 sent to the parties as soon as possible but no later than seventy-two (72) hours after the  
190 emergency change in placement excluding Saturdays, Sundays, and holidays.
  - 191       ▪ *Section 708.25-4.* The proposed amendments to the Children’s Code provide that upon  
192 filing a request for trial reunification with the Court and at least seven (7) days before the

- 193 date of reunification, the Department shall provide the parent, guardian, legal custodian,  
194 and any other party written notice of the proposed reunification by first-class mail.  
195 Previously, this section of the Children’s Code provided that Department or Nation’s Child  
196 Welfare attorney shall provide the parent, guardian, legal custodian, and any other party  
197 written notice pursuant to the Oneida Judiciary Rules of Civil Procedure.
- 198 ▪ *Section 708.24-7.* The proposed amendments to the Children’s Code provide that no later  
199 than seven (7) days prior to the expiration of the trial reunification, the Department shall  
200 submit the request for an extension of the trial reunification to the Court and shall cause  
201 notice of the request to be provided to all parties by first-class mail. Previously, this section  
202 of the Children’s Code provided that no later than ten (10) days prior to the expiration of  
203 the trial reunification, the Department shall submit the request to the Court and shall cause  
204 notice of the request to be provided to all parties.
  - 205 ▪ *Section 708.25-8.* The proposed amendments to the Children’s Code clarify that the  
206 Department is required to provide written notice of the end of a trial reunification period  
207 to the parties by first-class mail.
  - 208 ▪ *Section 708.25-9(a)(1).* The proposed amendments to the Children’s Code clarify that the  
209 Department’s request for revocation of the trial reunification is required to be provided by  
210 first-class mail.
  - 211 ▪ *Section 708.26-2.* The proposed amendments to the Children’s Code clarify that the  
212 Department’s request for a revision of the dispositional order is required to be provided to  
213 the parties by first-class mail. Previously, this section of the Children’s Code provided that  
214 notice be provided to the parties pursuant to the Oneida Judiciary Rules of Civil Procedure.
  - 215 ▪ *Section 708.27-1.* The proposed amendments to the Children’s Code clarify that the  
216 Department’s request for an extension of the dispositional order is required to be provided  
217 to the parties by first-class mail. Previously, this section of the Children’s Code provided  
218 that notice be provided to the parties pursuant to the Oneida Judiciary Rules of Civil  
219 Procedure.
  - 220 ▪ *Section 708.29.4.* The proposed amendments to the Children’s Code provide that upon  
221 filing with the Court and at least seven (7) days prior to the plea hearing, the party that filed  
222 the guardianship petition shall provide a copy of the petition to the other parties by personal  
223 service or, if personal service is not possible, by certified mail with return receipt requested.
  - 224 ▪ *Section 708.29-8(a).* The proposed amendments to the Children’s Code provide that upon  
225 filing with the Court and at least seven (7) days prior to the fact-finding hearing, the  
226 Department shall provide the parent, guardian, legal custodian, proposed guardian, and any  
227 other parties a written copy of the report by first-class mail. Previously, this section of the  
228 Children’s Code provided that the Department shall file its report with the Court prior to  
229 the fact-finding hearing and shall provide the parties with a copy of the report at least three  
230 (3) business days prior to the hearing.
  - 231 ▪ *Section 708.30-2.* The proposed amendments to the Children’s Code provide that the  
232 motion for a revision of guardianship shall be filed with the Court and, upon filing, a written  
233 copy shall be provided to all parties by first-class mail. Previously, the notice of revision  
234 was required to be filed with the Court with notice provided to the parties pursuant to the  
235 Oneida Judiciary Rules of Civil Procedure. Additionally, the proposed amendments to  
236 subsection (a) of 708.30-2 provide that upon filing with the Court and at least seven (7)

237 days prior to the revision hearing, the Department shall provide the parties with a written  
238 copy of their report by first-class mail. Previously, subsection (a) provided that the  
239 department shall file its report with the Court prior to the hearing on the revision of  
240 guardianship and shall provide the parties with a copy of the report at least three (3)  
241 business days prior to the hearing.

242 ■ *Section 708.31-2(a)*. The proposed amendments to the Children’s Code provide that upon  
243 filing with the Court and at least seven (7) days prior to the termination hearing, the  
244 Department shall provide the parties with a written copy of the report for the termination  
245 of a guardianship by first class mail. Previously, the Children’s Code provided that the  
246 Department shall file its report with the Court prior to the hearing on the termination of  
247 guardianship and shall provide the parties with a copy of the report at least three (3)  
248 business days prior to the hearing.

249 ■ *Section 708.35-5*. The proposed amendments to the Children’s Code provide that upon  
250 filing with the Court and at least seven (7) days prior to the initial hearing, the petitioner  
251 shall serve the summons and petition upon the following persons by personal service or, if  
252 personal service is not possible, by certified mail, return receipt requested: The parent(s)  
253 of the child, including an alleged father if paternity has not been established; and The  
254 child’s foster parent, guardian or legal custodian, if applicable. Previously, the Children’s  
255 Code provided that the petitioner shall ensure the summons and petition are served upon  
256 the following persons pursuant to the Oneida Judiciary Rules of Civil Procedure: The  
257 parent(s) of the child, including an alleged father if paternity has not been established; The  
258 child’s foster parent, guardian or legal custodian, if applicable; and The Nation’s Child  
259 Welfare attorney and the Department, if the petition is filed by anyone other than the  
260 Nation’s Child Welfare attorney or the Department.

261 ■ *Section 708.43-4*. The proposed amendments to the Children’s Code provide that the  
262 Department or other agency or department making the adoption investigation shall file its  
263 report with the Court prior to the hearing on the petition and shall provide a copy of the  
264 report to the parties by first-class mail at least seven (7) days prior to the hearing.  
265 Previously, this section of the Law provided that the Department or other agency or  
266 department making the investigation shall file its report with the Court prior to the hearing  
267 on the petition and shall provide the parties with a copy of the report at least three (3)  
268 business days prior to the hearing.

269 ■ *Section 708.43-9*. The proposed amendments to the Children’s Code provide that within  
270 five (5) days after entry of the order granting a closed adoption, the Department shall mail  
271 a copy of the order to the State of Wisconsin Bureau of Vital Statistics and furnish any  
272 additional data needed for the issuance of a new birth certificate. Previously this section  
273 provided that after entry of the order granting the adoption, the Department shall promptly  
274 mail a copy of the order to the State of Wisconsin Bureau of Vital Statistics and furnish  
275 any additional data needed for the issuance of a new birth certificate.

276 ■ *Effect*. Revisions to specific notice requirements throughout the Children’s Code were made to  
277 provide greater clarification on how notice shall occur.

278 **E. Referral of a Paternity Action to the Oneida Nation Child Support Agency.** The proposed  
279 amendments to the Children’s Code addresses referrals for paternity actions. The proposed amendments  
280 provides that if an alleged father appears at a hearing under this law, the Court may order the

281 Department to refer the matter to the Oneida Nation Child Support Agency to adjudicate paternity. [7  
282 *O.C. 708.13-3*]. There is a new provision added to the that that provides that if the Court enters such  
283 an order, then the Department may sign documents required by the Oneida Nation Child Support  
284 Agency on behalf of the family for the limited purpose of initiating a paternity action. *Id.* While  
285 paternity is being established, the Court shall enter an order finding good cause to suspend the time  
286 limits established under this law. *Id.* Previously, the Children’s Code provided that if an alleged father  
287 appears at a hearing under this law, the Court may refer the matter to the Oneida Nation Child Support  
288 Agency to adjudicate paternity.

289     ▪ *Effect.* The proposed amendments to the Children’s Code provide greater clarification on how a  
290 referral to the Oneida Nation Child Support Agency occurs – that the Court may order the  
291 Department to refer the matter to the Oneida Nation Child Support Agency – so it is not the Court  
292 itself that refers the matter to the Oneida Nation Child Support Agency. Authority was given to the  
293 Department to sign documents required by the Oneida Nation Child Support Agency on behalf of  
294 the family for the limited purpose of initiating a paternity action, so that a situation could be avoided  
295 where a paternity action is unable to be initiated because the mother of the child is unable to or not  
296 around to sign the necessary documents.

297 **F. *Access of Records for a Guardian Ad Litem.*** The proposed amendments add a new provision to the  
298 Children’s Code which provides that the Department shall make available for inspection or disclosure  
299 the contents of any record kept, regardless of the originating source, to a guardian ad litem appointed  
300 in a Children’s Code or family law case when that access is granted by order of the Court. [7 *O.C.*  
301 *708.14-2*].

302     ▪ *Effect.* When the Court appoints a GAL, whether that be in a case under the Children’s Code or  
303 the Child Custody, Placement, and Visitation law, the Court’s order contains the following  
304 statement: *The guardian ad litem shall be provided access to all records in possession of juvenile*  
305 *intake; the tribal, county or state department of social services; child welfare agencies; schools;*  
306 *or law enforcement agencies pertaining to the above captioned case, regardless of the originating*  
307 *source, including but not limited to, medical, mental health, psychological, counseling, drug or*  
308 *alcohol records from a non-federally assisted program as defined in 42 CFR Part 2, financial,*  
309 *educational, employment, probation, and law enforcement records.* The inclusion of this statement  
310 in the Court order intends to avoid unnecessary delay in seeking other consent authorization for  
311 access to records, especially when the GAL has to meet expedited timelines included under the  
312 Children’s Code. Requiring a GAL to seek a signed authorization form from the parent in order to  
313 access information from the Indian Child Welfare Department or other department of the Nation  
314 should not be necessary when the order made by the Court already addresses the release of  
315 information to the GAL. This amendment clarifies this issue and intends to avoid unnecessary delay  
316 in the future.

317 **G. *Withholding the Release of Information.*** The proposed amendments add a new provision to the  
318 Children’s Code which provides that the Department may make an ex parte request to the Court to  
319 conduct an in-camera review to determine what information should and should not be released to the  
320 parties and their counsel. [7 *O.C. 708.14-7*]. In making that determination, the Court is required to  
321 balance what is necessary to a fair determination of the child welfare legal matter, including access to  
322 records, against the interest in protecting the child from the risk of harm. *Id.* After the Court conducts  
323 the in-camera review, the decision regarding the release of records shall be provided to the parties in  
324 writing. *Id.*

- 325       ▪ *Effect.* The Children’s Code provides that upon written request, the parties and their counsel shall  
326       have the right to inspect, copy or photograph social, psychiatric, psychological, medical, and school  
327       reports, and records concerning the child including reports of preliminary inquiries, predisposition  
328       studies and supervision records relating to the child which are in the possession of the Nation’s  
329       Child Welfare attorney or the Department that pertain to any case under this law. [7 O.C. 708.14-  
330       1]. The Indian Child Welfare Department expressed concerns that the Department may have certain  
331       records which if released could cause harm to the child. This provision was added to give the  
332       Department a method to seek intervention by the Court to determine if certain records can be  
333       withheld in the interest in protecting the child.
- 334    **H. *Holding a Child in Custody.*** The Children’s Code provides a list of options for where a child may be  
335       held in custody as long as the place is in the best interest of the child and all people residing or regularly  
336       visiting the premises have cleared a background check. [7 O.C. 708.15-6]. The proposed amendments  
337       to the Children’s Code add a new option to the list of where a child may be held in custody at, which  
338       is a hospital or other medical or mental health facility. [7 O.C. 708.15-6].
- 339       ▪ *Effect.* The option to hold a child in custody in a hospital or other medical or mental health facility  
340       was added to address child welfare cases where the child may need to be hospitalized or held in a  
341       medical facility. This provides greater flexibility in determining where a child should be held in  
342       custody that best meets the needs and interests of the child.
- 343    **I. *Order for Holding a Child in Custody at an Emergency Custody Hearing.*** The Children’s Code  
344       provides that all orders to hold a child in custody at an emergency custody hearing shall be in writing  
345       and provides what information is required to be included in the order. [7 O.C. 7008.16-6(a)]. The  
346       proposed amendments to the Children’s Code will now include the addition of information that may  
347       be, but not required to be, included in the order to hold a child in custody. [7 O.C. 7008.16-6(b)]. Now  
348       an order to hold a child in custody may include a transfer of the legal custody of the child, including  
349       decisions about health care and education.
- 350       ▪ *Effect.* Allowing an order to hold a child in custody at an emergency custody hearing to include a  
351       transfer of the legal custody of the child, including decisions about health care and education, allow  
352       for legal custody to be transferred to the Department or the other parent, if necessary, especially if  
353       medical decisions need to be made on behalf of the child.
- 354    **J. *Request for Out of Home Placement of the Child at the Plea Hearing.*** The proposed amendments to  
355       the Children’s Code provide that at the plea hearing the Department may request placement of the child  
356       outside of the child’s home in accordance with the placement preferences in section 708.11-1, if notice  
357       of the Department’s intent to seek out of home placement of the child was provided to the parties prior  
358       to the hearing in substantial compliance with section 708.15-9. [7 O.C. 708.19-5]. The Children’s Code  
359       will not require that in the request for placement of the child outside of the child’s home the Department  
360       shall present as evidence specific information as outlined in 708.16-6(a)(1)-(5). *Id.* If the Court orders  
361       the out of home placement of the child, the order shall be in writing and shall contain the information  
362       required by section 708.16-6(a)(1)-(5). [7 O.C. 708.19-6]. Previously, the Children’s Code did not  
363       allow for the Department to request the out of home placement of a child at the plea hearing.
- 364       ▪ *Effect.* The proposed amendments to the Children’s Code will allow for the Department to request  
365       the placement of a child outside of the child’s home at the plea hearing. Currently, it has been  
366       interpreted that a request for the placement of the child outside of the child’s home can only occur  
367       at an emergency custody hearing or at the dispositional hearing for a child in need of protection or  
368       services. The Department requested this amendment so that the Department would have the ability



369 to avoid taking a child into emergency custody when the parents are already in agreement with a  
370 protective plan and the child is already staying out of home under the protective plan. This allows  
371 the Department to avoid unnecessary litigation and pressure to the family if the emergency custody  
372 hearing can be skipped, and the department can file a petition for a child in need of protection or  
373 services and request the ordered out of home placement at the time of the plea hearing. A protective  
374 plan is a safety tool the Department can implement during the Initial Assessment stage of a case.  
375 Initial Assessment lasts sixty (60) days and during that time the Indian Child Welfare Department  
376 workers gather information, and a determination is made whether a petition for a child in need of  
377 protection or services needs to be filed. Parents have to agree to a protective plan and the plan can  
378 only last for sixty (60) days. There isn't a formal order placing the child out of home within a  
379 protective plan because a protective plan is temporary and agreed to by the parents. When the sixty  
380 (60) days for the initial assessment ends, if it is clear that a petition for a child in need of protection  
381 or services needs to be filed, then the Department would like the ability to skip a contentious  
382 emergency custody hearing and simply file a petition and ask for an order for out of home  
383 placement at the first hearing, which is the plea hearing. An emergency custody hearing is also not  
384 the best option in these situations because an "emergency" does not necessarily exist because the  
385 child is safe under the protective plan and staying out of the home.

386 **K. *Withholding Identifying Information in the Dispositional Report.*** The proposed amendments to the  
387 Children's Code eliminated section 708.21-3 of the Code which provided that the Department may  
388 request the Court to withhold identifying information from the child's parent, guardian, or legal  
389 custodian if there are reasonable grounds to believe that disclosure would result in imminent danger to  
390 the child or anyone else.

391     ▪ *Effect.* Section 708.21-3 of the Children's Code- which provided that the Department may request  
392 the Court to withhold identifying information in the dispositional report from the child's parent,  
393 guardian or legal custodian if there are reasonable grounds to believe that disclosure would result  
394 in imminent danger to the child or anyone else - was eliminated from the Children's Code because  
395 it was duplicative of section 708.12-4 – a new, more general, addition to the Code – which provides  
396 that in all proceedings under this law, the Department may withhold the placement provider's  
397 identifying information from the child's parent, guardian, or legal custodian if there are reasonable  
398 grounds to believe that disclosure would result in imminent danger to the child or anyone else.  
399 Section 708.12-4 then allows a parent, guardian, or legal custodian may request judicial review of  
400 the decision to withhold the identifying information.

401 **L. *Copy of the Dispositional Order to the Child.*** The proposed amendments to the Children's Code  
402 remove the requirement to provide a copy of the dispositional order to the child is the child is age twelve  
403 (12) or older.

404     ▪ *Effect.* After much discussion between the Indian Child Welfare Department, Oneida Law Office,  
405 and Oneida Family Court it was determined that it may not be appropriate to provide a child age  
406 twelve (12) or older a copy of the dispositional order due to the nature of the information that may  
407 be included in the dispositional order and therefore this provision of the Children's Code should be  
408 removed.

409 **M. *Capacity of the Child to Express their Wishes.*** The Children's Code provides that in making a decision  
410 about the appropriate disposition, the Court shall consider any report submitted by the Department and  
411 shall consider, but not be limited to, whether the person would be a suitable guardian of the child, the  
412 willingness and ability of the person to serve as the child's guardian for an extended period of time or

413 until the child reaches the age of eighteen (18) years, and the wishes of the child. The proposed  
414 amendments to the Children’s Code clarify that the wishes of the child should only be considered when  
415 the child has the capacity to express their wishes. This same revision occurs in section 708.39-3 of the  
416 Children’s Code.

417     ▪ *Effect.* The proposed amendments provide clarification that the wishes of the child should be taken  
418 into consideration by the Court when the child has the capacity to express their wishes.

419 **N. *Suspension of Parental Rights.*** The proposed amendments to the Children’s Code now allow for the  
420 suspension of parental rights in addition to the termination of parental rights. The suspension of parental  
421 rights is the permanent suspension of the rights of biological parents to provide for the care, custody,  
422 and control of their child. [7 O.C. 708.32-3]. It is the philosophy of the Nation that children deserve a  
423 sense of permanency and belonging throughout their lives and at the same time they deserve to have  
424 knowledge about their unique cultural heritage including their tribal customs, history, language,  
425 religion, and values. [7 O.C. 708.32-1]. Much like the termination of parental rights, the suspension of  
426 parental rights should only be used as a last resort when all efforts have failed to avoid suspension or  
427 termination and it is in the best interests of the child concerned to proceed with the suspension or  
428 termination of parental rights. [7 O.C. 708.32-2]. The suspension of parental rights can occur on a  
429 voluntary or involuntary basis. [7 O.C. 708.32-5]. An order suspending or terminating parental rights  
430 permanently severs all legal rights and duties between the parent whose parental rights are suspended  
431 or terminated and the child. [7 O.C. 708.32-6]. The suspension or termination of parental rights shall  
432 not adversely affect the child’s rights and privileges as a member of the Nation, nor as a member of any  
433 tribe to which the child is entitled to membership, nor shall it affect the child’s enrollment status with  
434 the Nation, nor shall it interfere with the child’s cultural level and traditional and spiritual growth as a  
435 member of the Nation. [7 O.C. 708.32-6]. The suspension of parental rights is handled the same way  
436 as the termination of parental rights in regard to the process for the voluntary suspension or termination  
437 [7 O.C. 708.33], grounds for involuntary suspension or termination [7 O.C. 708.34], the petition for  
438 the suspension or termination [7 O.C. 708.35], the initial hearing on the suspension or termination [7  
439 O.C. 708.36], the fact-finding hearing for the suspension or termination [7 O.C. 708.37], the  
440 Department’s suspension or termination of parental rights report [7 O.C. 708.38], standards and factors  
441 to be utilized by the Court when making a decision [7 O.C. 708.39], and the dispositional hearing for  
442 the suspension or termination of parental rights [7 O.C. 708.40].

443     ▪ *Effect.* The proposed amendments to the Children’s Code add in provision regarding the  
444 suspension of parental rights, in addition to the termination of parental rights that was already  
445 included in the Children’s Code. This provides one more option for finding the best solution to a  
446 child welfare matter to best meet the needs of the child.

447 **O. *Continuing Need of Protection or Services as a Ground for Involuntary Suspension or Termination***  
448 ***of Parental Rights.*** The Children’s Code provides various grounds for suspension or termination of  
449 parental rights. [7 O.C. 708.34-1]. Specifically, the Children’s Code provides what needs to be proved  
450 to demonstrate that the child is in continuing need of protection or services – which is a ground for the  
451 suspension or termination of parental rights. [7 O.C. 708.34-1(c)]. The proposed amendments to the  
452 Children’s Code provides that it must be provided that the child has been outside the home for a  
453 cumulative total period of six (6) months or longer pursuant to such orders; and that the parent has  
454 failed to meet the conditions established for the safe return of the child to the home and, if the child has  
455 been placed outside the home for less than fifteen (15) of the most recent twenty-two (22) months, that  
456 there is a substantial likelihood that the parent will not meet these conditions as of the date on which

457 the child will have been placed outside the home for fifteen (15) of the most recent twenty-two (22)  
458 months, not including any period during which the child was a runaway from the out-of-home  
459 placement or was residing in a trial reunification home. [7 O.C. 708.34-1(c)(3)]. Previously the  
460 Children’s required that it be proved that the child has been outside the home for a cumulative total  
461 period of six (6) months or longer pursuant to such orders; and that the parent has failed to meet the  
462 conditions established for the safe return of the child to the home and there is a substantial likelihood  
463 that the parent will not meet these conditions within the nine (9) month period following the termination  
464 of parental rights fact-finding hearing.

465 ■ *Effect.* This proposed revision to the Children’s Code was made to be consistent with recent  
466 revisions to Wis. Stat. §48.415(2). Although the Nation is under no obligation to amend its laws to  
467 be consistent with laws of the State, concern was expressed that it may be beneficial to ensure the  
468 Nation’s grounds for suspension or termination of parental rights are consistent with the State’s  
469 grounds so that if a case transfers after being filed in State court, we are not in a position where we  
470 have to dismiss the petition if the grounds pled in State court are different from the grounds found  
471 in the Children’s Code, causing the Department to have to refile, assuming they have a factual basis  
472 to do so.

473 **P. *Order of Disposition for the Suspension or Termination of Parental Rights.*** The Children’s Code  
474 provides that if the disposition of the Court is for the suspension or termination of parental rights, the  
475 order shall be in writing, and the Children’s Code then provides the information that is required to be  
476 included in that order.[7 O.C. 708.40-4(b)]. The proposed amendments to the Children’s Code now  
477 provide what the order for the disposition for the suspension or termination of parental rights may, but  
478 is not required, to include. [7 O.C. 708.40-4(c)]. If the disposition is for the suspension or termination  
479 of parental rights, the order may contain a termination of the right of the parent to have contact with  
480 the minor child including contact in person, by mail, by telephone, or through third parties; an order  
481 restraining a parent from contacting the minor child, the child’s foster parent, the child’s adoptive parent  
482 and/or the social services agency or agencies possessing information regarding the child; an order that  
483 the biological parents’ obligation to pay child support, except for arrearages, is hereby terminated; and  
484 an order that any prior court order for custody, visitation, or contact, with the minor child is hereby  
485 terminated. [7 O.C. 708.40-4(c)(1)-(4)]. The proposed amendments now also require that the Court  
486 provide a copy of the order suspending or terminating parental rights to the child's parent, guardian,  
487 and legal custodian; the other parties to the action; and the current or future foster parents for the  
488 purpose of pursuing adoption.

489 ■ *Effect.* The purpose of this proposed amendment to the Children’s Code is to provide greater  
490 clarification as to what information may be included in the Court’s order for the disposition for the  
491 suspension or termination of parental rights but is not required to be included. Additionally,  
492 requiring that the Court provide a copy of the order suspending or terminating parental rights to the  
493 child's parent, guardian, and legal custodian; the other parties to the action; and the current or future  
494 foster parents for the purpose of pursuing adoption ensures that foster parents or relative placement  
495 providers – particularly those no licensed by Nation – have as method to obtain a copy of the  
496 suspension or termination of parental rights order order that they will need to attach to the petition  
497 for adoption, since they may not have access to the Department’s records otherwise.

498 **Q. *Form of Adoption.*** The proposed amendments to the Children’s Code provide clarification on adoption  
499 now that suspension of parental rights is available. The amendments provide that an adoption under  
500 this law shall take the form of customary adoption when the Court has granted a petition to suspend

501 parental rights. [7 O.C. 708.41-1]. When the Court grants a petition to terminate parental rights, the  
502 adoption shall be closed. *Id.* Previously, the Law provided that adoptions shall take the form of  
503 customary adoptions unless the Court determines there is good cause for the adoption to be closed.

504 ■ *Effect.* Previously, the Children’s Code only provided for the termination of parental rights. Now  
505 that the suspension of parental rights is also allowed under the Children’s Code, this proposed  
506 amendment provides guidance on what form of adoption should be sought and utilized based on  
507 whether a suspension or termination of parental rights occur. The Department sought amendments  
508 to the Children’s Code so that customary adoptions would occur when a suspension of parental  
509 rights occurs, rather than a termination of parental rights. The Department sought this amendment  
510 because in order to qualify for Adoption Assistance with the State, for a customary adoption, it had  
511 to be a suspension of parental rights that occurred and not a termination of parental rights. The  
512 Department wanted to ensure that adopting families under the Children’s Code had access to  
513 support and financial assistance under the State.

514 **R. Adoption Investigations.** The Children’s Code provides that when a petition for adoption is filed, the  
515 Court shall order an investigation to determine whether the child is a proper subject for adoption and  
516 whether the petitioner's home is suitable for the child. [7 O.C. 708.43-3]. The Court shall order one of  
517 the following to conduct the investigation: if the Department, or another agency or department, has  
518 guardianship of the child, the agency or department that has guardianship; or if no agency or department  
519 has guardianship of the child and a relative, including a stepparent, has filed the petition for adoption,  
520 the Department. [7 O.C. 708.43-3(a)(1)-(2)]. The proposed amendment to the Law clarifies that if the  
521 Court orders the Department to conduct the investigation, the Department may contract with a third-  
522 party agency to conduct the investigation. [7 O.C. 708.43-3(b)].

523 ■ *Effect.* The proposed amendment to the Children’s Code allows the Department to contract with a  
524 third-party agency to conduct an adoption investigation that may have been ordered by the Court.  
525 This provides greater flexibility to the Department in balancing their resources and time when  
526 ordered to conduct an investigation.

527 **S. Other Revisions.** Other minor drafting revisions are made throughout the Children’s Code

528

## 529 SECTION 6. EXISTING LEGISLATION

530 **A. Related Legislation.** The following laws of the Nation are related to the Children’s Code:

531 ■ *Paternity Law.* The purpose of the Paternity law is to establish paternity of Oneida children and  
532 other Indian children in order to protect the best interest of these children regarding such  
533 matters as enrollment, customs and traditions of the Tribe, survivorship and inheritance, health,  
534 support, and social security benefits. [7 O.C. 703.1-1]. It is the policy of this law to legally  
535 establish paternity in order to recognize and identify the father of Oneida children and other  
536 Indian children, when necessary. [7 O.C. 703.1-2].

537 ■ The Children’s Code provides that if an alleged father appears at a hearing under this  
538 law, the Court may order the Department to refer the matter to the Oneida Nation Child  
539 Support Agency to adjudicate paternity. [7 O.C. 708.13-3]. If the Court enters such an  
540 order, then the Department may sign documents required by the Oneida Nation Child  
541 Support Agency on behalf of the family for the limited purpose of initiating a paternity  
542 action. *Id.* While paternity is being established, the Court shall enter an order finding  
543 good cause to suspend the time limits established under this law. *Id.*

- 544                   ▪ The process for adjudicating paternity is then provided by the Paternity law.  
545                    [7 O.C. 703.1-6].
- 546       ▪ *Oneida Judiciary Rules of Civil Procedure.* The Oneida Judiciary Rules of Civil Procedure  
547 governs all civil actions that fall under the jurisdiction of the Nation to ensure that there is a  
548 consistent set of rules governing the process for civil claims, in order to ensure equal and fair  
549 treatment to all persons who come before the Tribal Courts to have their disputes resolved. [8  
550 O.C. 803.1-1, 803.1-2].
- 551                   ▪ The Children’s Code provides that service of documents and notices shall be as  
552 specified in this law. If a method of service is not specified in this law, then service  
553 shall be by first-class mail to the recently verified last-known address of the party. If a  
554 party’s whereabouts are unknown and cannot be found after diligent effort, service  
555 shall be by publication as described in the Oneida Judiciary Rules of Civil Procedure.  
556 [7 O.C. 708.12-1].
- 557                   ▪ The Oneida Judiciary Rules of Civil Procedure provides that when the other  
558 party’s whereabouts are unknown and cannot be found after diligent effort,  
559 service may be completed by publication. The publication shall be in the Tribal  
560 newspaper or in a newspaper of general circulation in the area of the party’s  
561 last known address and shall be designated as “Legal Notice.” This notice shall  
562 be published at least two (2) times within a thirty (30) day period. The two (2)  
563 notices shall be published at least ten (10) days before the hearing. Copies of  
564 the two (2) published notices and an affidavit of service stating the facts  
565 surrounding the failure of personal and mail service shall be filed with the  
566 Court as proof of service. The Court may, on its own, order different time  
567 limits for service by publication. [8 O.C. 803.5-6(c)].
- 568       ▪ The Children’s Code provides that when the Department is required to perform  
569 personal service, the Indian Child Welfare Worker may deliver the document(s)  
570 directly to the party(s) if such service is appropriate and safe under the circumstances.  
571 In the alternative, personal service may be accomplished according to the Oneida  
572 Judiciary Rules of Civil Procedure. [7 O.C. 708.12-3].
- 573                   ▪ The Oneida Judiciary Rules of Civil Procedure provides that personal service  
574 shall consist of delivering to the party a copy of the paper being served by a  
575 law enforcement officer or other person, who is not a party to the action and  
576 who is at least eighteen (18) years of age. An affidavit of service shall be filed  
577 with the Court as proof of service. Personal service shall be completed by hand  
578 delivering the required papers to any of the following: The party named in the  
579 action or proceeding; An individual residing at the party’s home or usual place  
580 of abode, so long as the person signing for delivery is at least eighteen (18)  
581 years of age; An officer, manager, agent, or partner of a non-individual party;  
582 or an attorney or advocate of the party, if represented. [8 O.C. 803.5-6(a)].
- 583       ▪ The Children’s Code provides that in addition to the discovery procedures permitted  
584 under this law, the discovery procedures permitted under the Oneida Judiciary Rules  
585 of Civil Procedure shall apply in all proceedings under this law. [7 O.C. 708.14-5].
- 586                   ▪ The Oneida Judiciary Rules of Civil Procedure provides procedures for  
587 discovery including the scope, required disclosures, limitations, time for

- 588 required disclosures, required pretrial disclosures, protective orders,  
589 supplementing disclosures and responses, signatures required and the effect of  
590 signatures, failure to disclose and information produced. [8 O.C. 803.14].
- 591 ▪ The Children’s Code provides that the fact-finding hearing for a child in need of  
592 protection or services shall be conducted according to the Oneida Judiciary Rules of  
593 Civil Procedure except that the Court may exclude the child from the hearing. [7 O.C.  
594 708.20-2].
    - 595 ▪ The Oneida Judiciary Rules of Civil Procedure provides general hearing  
596 procedures. [8 O.C. 803.38].
  - 597 ▪ The Children’s Code provides that after receiving any evidence relating to the  
598 disposition for guardianship, the Court shall enter a disposition and issue a written  
599 decision consistent with the Oneida Judiciary Rules of Civil Procedure. [7 O.C. 708.29-  
600 11].
    - 601 ▪ The Oneida Judiciary Rules of Civil Procedure provides procedure for entering  
602 and enforcing a judgment of the Court. [8 O.C. 803.31].
  - 603 ▪ The Children’s Code provides that the fact-finding hearing for the suspension or  
604 termination of parental rights shall be conducted according to the Oneida Judiciary  
605 Rules of Civil Procedure except that the Court may exclude the child from the hearing.  
606 [7 O.C. 708.37-2].
    - 607 ▪ The Oneida Judiciary Rules of Civil Procedure provides general hearing  
608 procedures. [8 O.C. 803.38].
  - 609 ▪ The Children’s Code provides that after receiving any evidence relating to the  
610 disposition for the suspension or termination of parental rights, the Court shall enter a  
611 disposition and issue a written decision consistent with the Oneida Judiciary Rules of  
612 Civil Procedure. [7 O.C. 708.40-1].
    - 613 ▪ The Oneida Judiciary Rules of Civil Procedure provides procedure for entering  
614 and enforcing a judgment of the Court. [8 O.C. 803.31].
  - 615 ▪ *Family Court Law.* The purpose of the Family Court law is to establish a Family Court, and to  
616 provide for the administration of law, justice, judicial procedures and practices by the Oneida  
617 Tribe as a sovereign nation by exercising the inherent power to make, execute, apply, and  
618 enforce its own law, and to apply its own customs and traditions in matters affecting the Oneida  
619 people as it pertains to the family and/or to our children.
    - 620 ▪ The Children’s Code provides that the Court has personal jurisdiction over an Oneida  
621 Child, and over a non-Oneida child in certain circumstances. [7 O.C. 708.5-1].  
622 Additionally, the Children’s Code provides that the Court has jurisdiction over a child  
623 alleged to be in need of protection or services if personal jurisdiction has been  
624 established and the child meets certain requirements. [7 O.C. 708.5-2]. Court is defined  
625 in the Children’s Code as the Oneida Nation Family Court, which is the branch of the  
626 Oneida Nation Judiciary that has the designated responsibility to oversee family  
627 matters. [7 O.C. 708.3-1(j)].
      - 628 ▪ The Family Court law provides that there is a Family Court, which shall  
629 administer the judicial authorities and responsibilities of the Tribe over all  
630 matters pertaining to the family, children, and elders, except for probate  
631 matters. [8 O.C. 806.4-1]. The Family Court shall have subject matter

- 632 jurisdiction over cases and controversies arising under the following: Tribal  
633 laws which specifically authorize the Court to exercise jurisdiction, and the  
634 Constitution. [8 O.C. 806.5-2]. The Family Court law then describes when the  
635 Family Court has personal jurisdiction of an individual including Indians and  
636 non-Indians. [8 O.C. 806.5-3].
- 637 ▪ *Oneida Judiciary Rules of Evidence.* The Oneida Judiciary Rules of Evidence establishes rules  
638 of evidence to apply in proceedings held in the Trial court and Family Court of the Oneida  
639 Judiciary administer Court proceedings fairly, eliminate unjustifiable expense and delay, and  
640 promote the development of evidence law, by obtaining the truth and securing a just  
641 determination. [8 O.C. 804.1-1, 804.1-2].
    - 642 ▪ The Children’s Code provides that the Oneida Judiciary Rules of Evidence are not  
643 binding at emergency custody hearings, dispositional hearings, or a hearing about  
644 changes in placement, revision of dispositional orders, extension of dispositional  
645 orders, or termination of guardianship orders. At those hearings, the Court shall admit  
646 all testimony having reasonable probative value, but shall exclude immaterial,  
647 irrelevant, or unduly repetitious testimony. Hearsay evidence may be admitted if it has  
648 demonstrable circumstantial guarantees of trustworthiness. The Court shall give effect  
649 to the rules of privilege recognized by laws of the Nation. The Court shall apply the  
650 basic principles of relevancy, materiality, and probative value to proof of all questions  
651 of fact. [7 O.C. 708.13-2].
  - 652 ▪ *Child Support Law.* The purpose of the Child Support law is to establish the legal responsibility  
653 of parents to provide financially for their children’s general well-being; make support payments  
654 more equitable by ensuring consistent treatment of persons in similar circumstances; make  
655 support payments based on the real earning capability of parents; and improve the efficiency  
656 of child support establishment and enforcement. [7 O.C. 704.1-1].
    - 657 ▪ The Children’s Code provides that at any time, the Court or the Department may refer  
658 the matter to the Nation’s Child Support Agency. [7 O.C. 708.13-4].

## 660 SECTION 7. OTHER CONSIDERATIONS

- 661 A. *Fiscal Impact.* Under the Legislative Procedures Act, a fiscal impact statement is required for all  
662 legislation except emergency legislation [1 O.C. 109.6-1]. Oneida Business Committee resolution BC-  
663 10-28-20-A titled, “*Further Interpretation of ‘Fiscal Impact Statement’ in the Legislative Procedures*  
664 *Act,*” provides further clarification on who the Legislative Operating Committee may direct complete  
665 a fiscal impact statement at various stages of the legislative process, as well as timeframes for  
666 completing the fiscal impact statement.
- 667 ▪ *Conclusion.* The Legislative Operating Committee received a fiscal impact statement for the  
668 proposed amendments to the Children’s Code from the Finance Department on August 12, 2022.

669

**Title 7. Children, Elders and Family - Chapter 708**

~~CHILDREN'S CODE~~

**Latiksa'shúha Laotilihwa'ke**  
*the children – their issues*

CHILDREN'S CODE

- 708.1. Purpose and Policy
- 708.2. Adoption, Amendment, Repeal
- 708.3. Definitions
- 708.4. Scope
- 708.5. Jurisdiction
- 708.6. Nation's Child Welfare Attorney
- 708.7. Indian Child Welfare Department Duties and Responsibilities
- 708.8. Guardian ad litem
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- 708.11. Order of Placement Preferences
- 708.12. Notice of Petition
- 708.13. Hearings (General)
- 708.14. Discovery and Records
- 708.15. Taking a Child into Custody
- 708.16. Emergency Custody Hearing
- 708.17. Petition for a Child in Need of Protection or Services
- 708.18. Consent Decree
- 708.19. Plea Hearing for a Child in Need of Protection or Services
- 708.20. Fact-finding Hearing for a Child in Need of Protection or Services
- 708.21. Department's Disposition Report for a Child in Need of Protection or Services
- 708.22. Dispositional Hearing for a Child in Need of Protection or Services
- 708.23. Permanency Plans
- 708.24. Change in Placement
- 708.25. Trial Reunification
- 708.26. Revision of Dispositional Orders
- 708.27. Extension of Dispositional Orders
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- 708.29. Guardianship for Certain Children in Need of Protection or Services
- 708.30. Revisions of Guardianship Order
- 708.31. Termination of Guardianship
- 708.32. Suspension or Termination of Parental Rights
- 708.33. Voluntary Suspension or Termination of Parental Rights
- 708.34. Grounds for Involuntary Suspension or Termination of Parental Rights
- 708.35. Petition for Suspension or Termination of Parental Rights
- 708.36. Initial Hearing on the Suspension or Termination of Parental Rights Petition
- 708.37. Fact Finding Hearing for a Suspension or Termination of Parental Rights
- 708.38. Department's Suspension or Termination of Parental Rights Report
- 708.39. Standards and Factors
- 708.40. Dispositional Hearings for Suspension or Termination of Parental Rights
- 708.41. Adoption
- 708.42. Adoption Criteria and Eligibility
- 708.43. Adoption Procedure
- 708.44. Non-Compliance with a Residual Rights Agreement
- 708.45. Peacemaking and Mediation
- 708.46. Appeals
- 708.47. Liability

1

**708.1. Purpose and Policy**

708.1-1. *Purpose.* The purpose of this law is to provide for the welfare, care, and protection of Oneida children through the preservation of the family unit, while recognizing that in some circumstances it may be in the child's best interest to not be reunited with his or her family. Furthermore, this law strengthens family life by assisting parents in fulfilling their responsibilities as well as facilitating the return of Oneida children to the jurisdiction of the Nation and acknowledging the customs and traditions of the Nation when raising an Oneida child.

708.1-2. *Policy.* It is the policy of the Nation to ensure there is a standard process for conducting judicial proceedings and other procedures in which children and all other interested parties are provided fair hearings in addition to ensuring their legal rights are recognized and enforced, while protecting the public safety.

**708.2. Adoption, Amendment, Repeal**

708.2-1. This law was adopted by the Oneida Business Committee by resolution BC-07-26-17-J-2 and amended by resolution BC- - - - .



17 708.2-2. This law may be amended or repealed by the Oneida Business Committee and/or Oneida  
18 General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

19 708.2-3. Should a provision of this law or the application thereof to any person or circumstances  
20 be held as invalid, such invalidity shall not affect other provisions of this law which are considered  
21 to have legal force without the invalid portions.

22 708.2-4. In the event of a conflict between a provision of this law and a provision of another law,  
23 the provisions of this law shall control. Provided that, this law repeals the following:

24 (a) Resolution # BC-09-25-81 *Oneida Child Protective Board Ordinance*;

25 (b) Resolution # BC-10-07-81-A *Appointing Members to the Oneida Child Protective*  
26 *Board*;

27 (c) Resolution # BC-05-24-84-C *Definition of Extended Family Member*;

28 (d) Resolution # BC-01-14-15-A *Amendment of Oneida Child Protective Board*  
29 *Ordinance*;

30 (e) Resolution # BC-05-13-15 *Indian Child Welfare Act Policy*; and

31 (f) Resolution # BC-12 -10-03-A *Oneida Child Protective Boards Stipends*.

32 708.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.  
33

### 34 **708.3. Definitions**

35 708.3-1. This section shall govern the definitions of words and phrases used within this law. All  
36 words not defined herein shall be used in their ordinary and everyday sense.

37 (a) "Abuse" means any of the following:

38 (1) Physical injury inflicted on a child by other than accidental means;

39 (2) Sexual assault;

40 (3) Sexual exploitation of a child;

41 (4) Prostitution or trafficking of a child;

42 (5) Causing a child to view or listen to sexual activity or sexually explicit materials;

43 (6) Exposing a child to the manufacture, sale, or use of controlled substances;  
44 and/or

45 (7) Emotional damage for which the child's parent, guardian, or legal custodian has  
46 neglected, refused, or been unable for reasons other than poverty to obtain the  
47 necessary treatment or take steps to address the issue.

48 (b) "Advocate" means a person who is a non-attorney presented to the Court as the  
49 representative or advisor to a party.

50 (c) "Alcohol and other drug abuse impairment" means a condition of a person which is  
51 exhibited by characteristics of habitual lack of self-control in the use of alcoholic beverages  
52 or controlled substances to the extent that the person's health is substantially affected or  
53 endangered or the person's social or economic functioning is substantially disrupted.

54 (d) "Attorney" means a person trained and licensed to represent another person in Court,  
55 to prepare documents and to give advice or counsel on matters of law.

56 (e) "Best interest of the child" means the interest of a child to:

57 (1) Have a full, meaningful, and loving relationship with both parents and family  
58 as much as possible;

59 (2) Be free from physical, sexual and emotional abuse;

60 (3) Be raised in conditions that foster and encourage the happiness, security, safety,  
61 welfare, physical and mental health, and emotional development of the child;

62 (4) Receive appropriate medical care;

- 63 (5) Receive appropriate education;
- 64 (6) Be raised in conditions which maximize the chances of the child becoming a
- 65 contributing member of society; and
- 66 (7) Be raised in an environment that is respectful of the child's race(s), culture(s),
- 67 and heritage(s).
- 68 (f) "Business day" means Monday through Friday from 8:00 a.m. to 4:30 p.m., excluding
- 69 holidays recognized by the Nation.
- 70 (g) "Child" means a person who is less than eighteen (18) years of age.
- 71 (h) "Clear and convincing evidence" means that a particular fact is substantially more
- 72 likely than not to be true.
- 73 (i) "Counsel" means an attorney or advocate presented to the Court as the representative
- 74 or advisor to a party.
- 75 (j) "Court" means the Oneida Nation Family Court, which is the branch of the Oneida
- 76 Nation Judiciary that has the designated responsibility to oversee family matters.
- 77 (k) "Court of competent jurisdiction" means a state or tribal court that has jurisdiction and
- 78 authority to do a certain act or hear a certain dispute.
- 79 (l) "Department" means the Oneida Nation Indian Child Welfare Department.
- 80 (m) "Disposition" means the Court's final ruling or decision on a case or legal issue.
- 81 (n) "Dispositional hearing" means a hearing for the Court to make its final determination
- 82 of a case or issue.
- 83 (o) "Emotional damage" means harm to a child's psychological or intellectual
- 84 functioning evidenced by one (1) or more of the following characteristics exhibited to a
- 85 severe degree:
- 86 (1) anxiety;
- 87 (2) depression;
- 88 (3) withdrawal;
- 89 (4) outward aggressive behavior; and/or
- 90 (5) a substantial and observable change in behavior, emotional response, or
- 91 cognition that is not within the normal range for the child's age and stage of
- 92 development.
- 93 (p) "Expert" means a person with special training, experience, or expertise in a field
- 94 beyond the knowledge of an ordinary person.
- 95 (q) "Extended family" means a person who has reached the age of eighteen (18) and who
- 96 is the child's grandparent, aunt, uncle, brother, sister, brother-in-law, sister-in-law, niece,
- 97 nephew, first, second, third or fourth cousin, or stepparent.
- 98 (r) "Fact-finding hearing" means a hearing for the Court to determine if the allegations in
- 99 a petition under this law are proved by clear and convincing evidence.
- 100 (s) "Fictive kin" means any person or persons who, to the biological parents of the child
- 101 at issue, have an emotional tie to that parent wherein they are like family.
- 102 (t) "Foster home" means any home which is licensed by ~~the~~ Department ~~and~~/or applicable
- 103 licensing agency and maintained by any individual(s) suitable for placement of children
- 104 when taken into custody or pending court matters.
- 105 (u) "Good cause" means adequate or substantial grounds or reason to take a certain action,
- 106 or to fail to take an action.

107 (v) “Group home” means any facility operated by a person required to be licensed by the  
108 Department and/or applicable licensing agency for the care and maintenance of five (5) to  
109 eight (8) children.

110 (w) “Guardian” means any person, agency or department appointed by the Court to care for  
111 and manage the child in a particular case before the Court. A guardian has the right to  
112 make major decisions affecting a child including education, religious and cultural  
113 upbringing, the right to consent to marriage, to enlistment in the armed forces, to major  
114 surgery and medical treatment and to adoption, or make recommendations as to adoption.

115 (x) “Guardian ad litem” means a person appointed by the Court to appear at any  
116 peacemaking, mediation, or hearing and tasked with representing the best interest of the  
117 person appointed for.

118 (y) “Holiday” means any holiday recognized by the Nation as identified in the Nation’s  
119 laws, rules and policies governing employment.

120 (z) “Imminent danger” means a risk of harm or injury that will occur immediately.

121 ~~(z)(aa)~~ “Indian Child Welfare Worker” means a person employed by the Nation in the  
122 Indian Child Welfare Department tasked with the responsibility to carry out the duties,  
123 objectives and provisions of this law~~as codified at 25 USC 1901.~~

124 (bb) “Informal disposition” means a written agreement with all the parties describing the  
125 conditions and obligations that must be met to ensure the child is protected and to alleviate  
126 the condition that led to the referral to the Department. An informal disposition is utilized  
127 by the Department when the Department determines that the interest of the child does not  
128 require a formal Court intervention to provide protection and services to the child.

129 ~~(aa)(cc)~~ “Legal custodian” means any person other than a parent or guardian to  
130 whom legal custody of a child has been granted by court order and has the rights and  
131 responsibilities for the following:

132 (1) To have physical custody of the child as determined by the Court, if physical  
133 custody is not with the person having legal custody;

134 (2) To protect, educate and discipline the child so long as it is in the child’s best  
135 interest; and

136 (3) To provide the child with adequate food, shelter, education, ordinary medical  
137 care and other basic needs, according to court order. In an emergency situation, a  
138 custodian shall have the authority to consent to surgery as well as any other  
139 emergency medical care needs.

140 ~~(bb)(dd)~~ “Mediation” means a method of dispute resolution that involves a neutral  
141 third party who tries to help disputing parties reach an agreement.

142 ~~(ee)(ee)~~ “Nation” means the Oneida Nation.

143 ~~(dd)(ff)~~ “Neglect” means failure, refusal, or inability on the part of a caregiver, for reasons  
144 other than poverty, to provide necessary care, food, clothing, medical or dental care, or  
145 shelter so as to seriously endanger the physical health of the child.

146 ~~(ee)(gg)~~ –“Parent” means the biological or adoptive parent of a child.

147 (hh) “Parties” means the parent(s), guardian(s), and legal custodian(s) of the child who  
148 is the subject of the proceedings; the Department, in cases where they are the petitioner; a  
149 guardian ad litem, if one has been appointed by the Court; and anyone else permitted to  
150 file a petition under this law.

151 ~~(ff)~~(ii) “Peacemaking” means a method of dispute resolution that is based on traditional  
152 methods of resolving disputes and addresses the needs of rebuilding relationships between  
153 people.

154 ~~(gg)~~(jj) “Permanency Plan” means a plan designed to ensure that a child is reunified with  
155 his or her family whenever appropriate, or that the child quickly attains a placement or  
156 home providing long-term stability.

157 ~~(hh)~~(kk) \_\_\_\_\_ “Physical injury” includes, but is not limited to, any of the following:

- 158 (1) lacerations;
- 159 (2) fractured bones;
- 160 (3) burns;
- 161 (4) internal injuries;
- 162 (5) severe or frequent bruising;
- 163 (6) bodily injury which creates a substantial risk of death;
- 164 (7) bodily injury which causes serious permanent disfigurement;
- 165 (8) bodily injury which causes a permanent or protracted loss or impairment of the  
166 function of any bodily member or organ; or
- 167 (9) any other serious bodily injury.

168 ~~(ii)~~(ll) “Plea hearing” means a hearing to determine whether any party wishes to contest a  
169 petition filed under this law.

170 ~~(jj)~~(mm) \_\_\_\_\_ “Probable cause” means there are sufficient facts and circumstances that  
171 would lead a reasonable person to believe that something is true.

172 ~~(nn)~~- “Protective plan” means an immediate short-term action that protects a child from  
173 present danger threats in order to allow for completion of the initial assessment,  
174 investigation and, if needed, the implementation of a safety plan.

175 ~~(kk)~~(oo) \_\_\_\_\_ “Reasonable effort” means an earnest and conscientious effort to take good  
176 faith steps to provide the services ordered by the Court which takes into consideration the  
177 characteristics of the parent or child, the level of cooperation of the parent and other  
178 relevant circumstances of the case.

179 ~~(ll)~~(pp) “Relative” means any person connected with a child by blood, marriage or  
180 adoption.

181 ~~(mm)~~(qq) \_\_\_\_\_ “Reservation” means all the land within the exterior boundaries of the  
182 Reservation of the Oneida Nation, as created pursuant to the 1838 Treaty with the Oneida,  
183 7 Stat. 566, and any lands added thereto pursuant to federal law.

184 ~~(nn)~~(rr) “Shelter care facility” means a non-secure place of temporary care and physical  
185 custody for children, licensed by the Department and/or applicable licensing agency.

186 ~~(oo)~~(ss) \_\_\_\_\_ “Social history” means the social, economic, cultural and familial aspects  
187 of a person and how those aspects affect the person’s functioning and situation in life.

188 ~~(pp)~~(tt) “Special treatment or care” means professional services which need to be provided  
189 to a child or family to protect the well-being of the child, prevent out-of-home placement,  
190 or meet the needs of the child.

191 ~~(qq)~~(uu) \_\_\_\_\_ “Stepparent” means the spouse or ex-spouse of a child’s parent who is not  
192 a biological parent of the child.

193 ~~(rr)~~(vv) “Stipulation” means a formal legal acknowledgement and agreement made between  
194 opposing parties prior to a pending hearing or trial.

195 ~~(ss)~~(ww) \_\_\_\_\_ “Substantial parental relationship” means the acceptance and exercise of  
196 significant responsibility for the daily supervision, education, protection and care of a child.

197 ~~(tt) “Termination of parental rights” means that, pursuant to a court order, all rights,~~  
 198 ~~powers, privileges, immunities, duties and obligations existing between parent and child~~  
 199 ~~are permanently severed.~~

200 ~~(uu)~~(xx) “Treatment **“Service plan”** means a plan or set of conditions ordered by the  
 201 Court identifying concerns and behaviors of a parent, guardian or legal custodian that  
 202 resulted in a child to be in need of protection or services, and the treatment services, goals  
 203 and objectives to address and remedy the concerns and behaviors of the parent, guardian  
 204 or legal custodian.

205 ~~(vv)~~(yy) “Warrant” means an order issued by a court commanding a law enforcement  
 206 officer to perform some act incident to the administration of justice.

207

#### 208 **708.4. Scope**

209 708.4-1. This law shall apply to all child welfare cases and legal proceedings in which the Nation  
 210 has jurisdiction. Nothing in this law is meant to restrict or limit another court of competent  
 211 jurisdiction from hearing a matter involving an Indian child.

212

#### 213 **708.5. Jurisdiction**

214 708.5-1. *Personal Jurisdiction.* The Court shall have personal jurisdiction over the following  
 215 individuals:

216 (a) *Jurisdiction over an Oneida Child.* The Court shall have personal jurisdiction over  
 217 any child who is present or resides within the boundaries of Brown and Outagamie County  
 218 and is enrolled or eligible for enrollment in the Nation.

219 (b) *Jurisdiction over a Non-Oneida Child.* The Court shall have personal jurisdiction over  
 220 any child not enrolled or eligible for enrollment in the Nation who is present or resides  
 221 within the boundaries of the Reservation and is a sibling of a child that is enrolled or  
 222 eligible for enrollment in the Nation if the child’s parent(s), guardian or legal custodian  
 223 consents to the jurisdiction of the Court. Consent to the jurisdiction of the Court can be  
 224 given by any of the following:

225 (1) The parent(s), guardian or legal custodian knowingly and voluntarily provides  
 226 the Court with written consent to the jurisdiction of the Court; or

227 (2) The Court establishes on the record that the parent(s), guardian or legal  
 228 custodian knowingly and voluntarily provides the Court with verbal consent to the  
 229 jurisdiction of the Court.

230 708.5-2. *Jurisdiction over Children Alleged to be in Need of Protection or Services.* The Court  
 231 shall have jurisdiction over a child alleged to be in need of protection or services if personal  
 232 jurisdiction has been established and the child:

233 (a) is without a parent or guardian;

234 (b) has been abandoned;

235 (c) has a parent that relinquished custody of the child pursuant to the Nation’s laws or state  
 236 law and has no other parent available to provide necessary care;

237 (d) has been the victim of abuse, including injury that is self-inflicted or inflicted by  
 238 another;

239 (e) is at substantial risk of becoming the victim of abuse, including injury that is self-  
 240 inflicted or inflicted by another, based on reliable and credible information that another  
 241 child in the home has been the victim of such abuse;

- 242 (f) has a parent ~~or~~, guardian, or legal custodian who signs the petition requesting  
 243 jurisdiction under this subsection and is unable or needs assistance to care for or provide  
 244 necessary special treatment or care for the child, and the child has no other parent available  
 245 to provide necessary care;
- 246 (g) has a guardian or legal custodian who is unable or needs assistance to care for or  
 247 provide necessary special treatment or care for the child, but is unwilling or unable to sign  
 248 the petition requesting jurisdiction under this subsection;
- 249 (h) has been placed for care or adoption in violation of the Nation's laws or state law;
- 250 (i) is receiving inadequate care during the period of time a parent is missing, incarcerated,  
 251 hospitalized or institutionalized;
- 252 (j) is at least twelve (12) years of age, signs the petition requesting jurisdiction under this  
 253 subsection and is in need of special treatment or care which the parent, guardian or legal  
 254 custodian is unwilling, neglecting, unable or needs assistance to provide;
- 255 (k) has a parent, guardian or legal custodian who neglects, refuses or is unable for reasons  
 256 other than poverty to provide necessary care, food, clothing, medical or dental care or  
 257 shelter so as to seriously endanger the physical health of the child;
- 258 (l) has a parent, guardian or legal custodian who is at substantial risk of neglecting,  
 259 refusing or being unable for reasons other than poverty to provide necessary care, food,  
 260 clothing, medical or dental care or shelter so as to endanger seriously the physical health  
 261 of the child, based on reliable and credible information that the child's parent, guardian or  
 262 legal custodian has neglected, refused or been unable for reasons other than poverty to  
 263 provide necessary care, food, clothing, medical or dental care or shelter so as to endanger  
 264 seriously the physical health of another child in the home;
- 265 (m) is suffering emotional damage for which the parent, guardian or legal custodian has  
 266 neglected, refused or been unable and is neglecting, refusing or unable, for reasons other  
 267 than poverty, to obtain necessary treatment or to take necessary steps to improve the  
 268 symptoms;
- 269 (n) is suffering from an alcohol and other drug abuse impairment, exhibited to a severe  
 270 degree, for which the parent, guardian or legal custodian is neglecting, refusing or unable  
 271 to provide treatment; or
- 272 (o) is non-compliant with the Nation's or State's immunization laws.

273 708.5-3. *Jurisdiction over other Matters Relating to Children.* If jurisdiction has been established  
 274 under section 708.5-1 and ~~section 708.5-2~~ all requirements of this law have been met the Court  
 275 may:

- 276 (a) terminate or suspend parental rights to a child;  
 277 (b) appoint, revise, and/or remove a guardian; and  
 278 (c) hold adoption proceedings.

279 708.5-4. *Transfer of Cases from other Courts.* If personal jurisdiction has been established the  
 280 Court has jurisdiction over any action transferred to the Court from any court of competent  
 281 jurisdiction.

- 282 (a) While a case is being transferred to the Court from another court, any time limits  
 283 established by this law shall be tolled until the next hearing on the matter before the Court.

284 708.5-5. *Transfer of Cases to other Courts.* The Court may transfer a case under this law to a court  
 285 of competent jurisdiction where the other court has a significant interest in the child and the transfer  
 286 would be in the best interest of the child.

287 708.5-6. Any orders made by the Court under this law, or any orders made by a court of competent  
288 jurisdiction regarding child welfare matters, shall supersede any other order made by this Court or  
289 a court of competent jurisdiction regarding custody or placement of a child until the Children's  
290 Code or other child welfare orders are dismissed.

291

## 292 **708.6. Nation's Child Welfare Attorney**

293 708.6-1. A Child Welfare attorney shall represent the Nation in all proceedings under this law.  
294 The Child Welfare attorney shall be one of the following:

- 295 (a) An attorney from the Oneida Law Office;
- 296 (b) An attorney contracted by the Oneida Law Office; or
- 297 (c) An attorney contracted by the Department.

298

## 299 **708.7. Indian Child Welfare Department Duties and Responsibilities**

300 708.7-1. *Indian Child Welfare Worker.* The Indian Child Welfare Worker shall carry out the duties  
301 and responsibilities set forth in this law which include, but are not limited to the following:

- 302 (a) Receive, examine, and investigate complaints and allegations that a child is in need of  
303 protection or services for the purpose of determining the appropriate response under this  
304 law, which may include notifying law enforcement;
- 305 (b) Receive referral information, conduct intake inquiries, and determine whether to  
306 initiate child welfare proceedings;
- 307 (c) Determine whether a child should be held pursuant to the emergency provisions of this  
308 law;
- 309 (d) Make appropriate referrals of cases to other agencies when appropriate, and share  
310 information with other agencies if their assistance appears to be needed or desirable;
- 311 (e) Maintain records;
- 312 (f) Enter into informal dispositions or protective plans with families;
- 313 (g) Refer counseling or any other functions or services to the child and/or family as  
314 designated by the Court;
- 315 (h) Identify and develop resources within the community that may be utilized by the  
316 Department and Court;
- 317 (i) Make reasonable efforts to obtain necessary services for the child and family and  
318 investigate and develop resources for the child and family to utilize;
- 319 (j) Accept legal custody of children when ordered by the Court;
- 320 (k) Make reports and recommendations to the Court;
- 321 (l) Make recommendations to the Nation's Child Welfare attorney;
- 322 (m) Request transfer from state court to the Nation's court when appropriate;
- 323 (n) Perform any other functions ordered by the Court within the limitations of the law;
- 324 (o) Develop appropriate plans and conduct reviews;
- 325 (p) Negotiate agreements for services, record sharing, referral, and funding for child family  
326 service records within the Department;
- 327 (q) Provide measures and procedures for preserving the confidential nature of child and  
328 family service records within the Department;
- 329 (r) Participate in continuing training, conferences and workshops pertinent to child welfare  
330 issues;
- 331 (s) Explain the court proceedings to the child in language and terms appropriate to the  
332 child's age and maturity level when a guardian ad litem is not appointed for a child; and

- 333 (t) Maintain a knowledge and understanding of all relevant laws and regulations.  
 334 708.7-2. *Department.* In performing the duties set forth in this law, the Department shall:  
 335 (a) Identify and refer parties to resources in the community calculated to resolve the  
 336 problems presented in petitions filed in Court, such as the various psychiatric,  
 337 psychological, therapeutic, counseling, and other social services available within and  
 338 outside the Nation when necessary;  
 339 (b) Identify and refer parties to resources in the community designed to enhance the child's  
 340 potential as a member of the Nation;  
 341 (c) Investigate, inspect, and license foster homes, and monitor and supervise foster homes  
 342 and children in foster care;  
 343 (d) Adhere to the placement preference order stated in section 708.~~10~~ and 11;  
 344 (e) Enter into memorandums of understanding ~~and~~/or agreement with the Oneida Trust  
 345 Enrollment Committee ~~and~~/or Department, Oneida Police Department, Oneida Nation  
 346 Child Support Agency and any other appropriate department in order to carry out the  
 347 provisions of this law; and  
 348 (f) Share information with other social service ~~and~~agencies, law enforcement agencies,  
 349 and other entities of the Nation as it pertains to children under the jurisdiction of this law.

350

351 **708.8. Guardian ad litem**352 708.8-1. *Appointment.* The appointment of a guardian ad litem shall be as follows:

- 353 (a) The Court may appoint a guardian ad litem for any child who is the subject of a child  
 354 in need of protection or services proceeding;  
 355 (b) The Court shall appoint a guardian ad litem for any child who is the subject of a  
 356 proceeding to terminate or suspend parental rights, whether voluntary or involuntary, for a  
 357 child who is the subject of a contested adoption proceeding, and for a child who is the  
 358 subject of a contested guardianship proceeding;  
 359 (c) The Court shall appoint a guardian ad litem for a minor parent petitioning for the  
 360 voluntary termination of their parental rights; and  
 361 (d) A guardian ad litem may be appointed for any other circumstance the Court deems  
 362 necessary.

363 708.8-2. *Qualifications.*

- 364 (a) A guardian ad litem shall be an adult who:  
 365 (1) is at least twenty one (21) years of age;  
 366 (2) is currently certified as a guardian ad litem and in good standing;  
 367 (3) has never been convicted of a felony unless the person received a pardon or  
 368 forgiveness; and  
 369 (4) has never been convicted of any crime against a child.  
 370 (b) No person shall be appointed guardian ad litem in that proceeding who:  
 371 (1) has a personal interest in the outcome of the case, a party to the proceeding, or  
 372 any other interest that has the potential to corrupt a person's motivation or decision  
 373 making, because of an actual or potential divergence between the person's self-interests,  
 374 and the best interests of the case;  
 375 (2) appears as counsel or an advocate in the proceeding on behalf of any party; or  
 376 (3) is related to a party of the proceeding, the Judge for the proceeding, or an  
 377 appointing Judge by blood, marriage, adoption or related by a social tie that could  
 378 be reasonably interpreted as a conflict of interest.  
 379 (c) A guardian ad litem may be recognized as certified by the Court if he or she:



380 (1) has completed guardian ad litem training provided by the Court, another Indian  
381 tribe, or a state; or

382 (2) is recognized as a certified guardian ad litem by another jurisdiction.

383 708.8-3. *Responsibilities.* The guardian ad litem has none of the rights or duties of a general  
384 guardian. The guardian ad litem shall:

385 (a) investigate and review all relevant information, records and documents, as well as  
386 interview the child, parent(s), social workers, ~~teachers~~ and all other relevant persons to  
387 gather facts when appropriate;

388 (b) consider the importance of the child's culture, heritage and traditions;

389 (c) consider, but shall not be bound by, the wishes of the child or the positions of others  
390 as to the best interests of the child;

391 (d) explain the role of the guardian ad litem and the court proceedings to the child in  
392 language and terms appropriate to the child's age and maturity level;

393 (e) provide a written or oral report to the Court regarding the best interests of the child,  
394 including conclusions and recommendations and the facts upon which they are based;

395 (f) recommend evaluations, assessments, services and treatment of the child and the child's  
396 family when appropriate;

397 (g) inform the court of any concerns or possible issues ~~regard~~regarding the child or the  
398 child's family;

399 (h) represent the best interests of the child;

400 (i) perform other duties as directed by the Court; and

401 (j) comply with all laws, policies and rules of the Nation governing the conduct of a  
402 guardian ad litem.

403 708.8-4. *Compensation.* The guardian ad litem shall be compensated at a rate that the Court  
404 determines is reasonable. The Court shall compensate the guardian ad litem for his or her fees. The  
405 parties shall reimburse the Court for the guardian ad litem fees. The Court may apportion the  
406 amount of reimbursement each party shall pay based on the ability to pay or assess the cost equally  
407 between the parties. The Court may determine an appropriate time frame for the reimbursement to  
408 occur. The Court may waive the guardian ad litem expense if the cost of the guardian ad litem will  
409 impose an immediate and substantial hardship on the parties.

410

### 411 **708.9. Advocate**

412 708.9-1. The parent, guardian and legal custodian of a child has the right to obtain an advocate to  
413 represent and advise him or her throughout any proceeding under this law at his or her own  
414 expense.

415 708.9-2. *Qualifications.*

416 (a) An advocate shall be an adult who:

417 (1) is at least twenty one (21) years of age;

418 (2) is admitted to practice before the Oneida Judiciary;

419 (2) has never been convicted of a felony unless the person received a pardon or  
420 forgiveness; and

421 (3) has never been convicted of any crime against a child.

422 708.9-3. An advocate shall comply with all laws, rules and policies of the Nation governing  
423 advocates.

424

### 425 **708.10 Cultural Wellness Facilitator and Healer**

426 708.10-1. The Department may utilize a Cultural Wellness Facilitator and Healer, or similar  
 427 position, throughout all child welfare proceedings.

428 708.10-2. The Cultural Wellness Facilitator and Healer may provide:

- 429 (a) wellness sessions utilizing culturally based and appropriate healing methods;
- 430 (b) training on Oneida culture, language and traditions; and
- 431 (c) ~~and~~ any other service that may be necessary.

432

### 433 **708.11. Order of Placement Preferences**

434 708.11-1. The following order of placement preferences shall be followed when it is necessary to  
 435 place a child outside of the home under this law:

- 436 (a) A member of the child's immediate or extended family;
- 437 (b) A family clan member;
- 438 (c) A member of the Nation;
- 439 (d) Descendants of the Nation;
- 440 (e) A member of another federally recognized tribe;
- 441 (f) Fictive kin within the Nation community;
- 442 (g) Fictive kin outside the Nation community; or
- 443 (h) Any other person or persons not listed above.

444 708.11-2. The order of placement preferences listed in section 708.11-1. are prioritized from the  
 445 most preference given to a child placed in a home in accordance with section 708.11-1(a) and the  
 446 least amount of preference given to a child placed in a home in accordance with section 708.11-  
 447 1(h).

448 708.11-3. In order to deviate from the placement preferences listed in section 708.11-1, the Court  
 449 shall consider the best interest of the child when determining whether there is good cause to go  
 450 outside the placement preference.

451 (a) Good cause to go outside the placement preferences shall be determined based on any  
 452 of the following:

- 453 (1) When appropriate, the request from the child's parent or the child, when the  
 454 child is age twelve (12) or older;
- 455 (2) Any extraordinary physical, mental or emotional health needs of the child  
 456 requiring highly specialized treatment services as established by an expert;
- 457 (3) The unavailability of a suitable placement after diligent efforts have been made  
 458 to place the child in the placement preference listed in section 708.11-1; or
- 459 (4) Any other reason deemed by the Court to be in the best interest of the child.

460 (b) The party requesting to deviate from the placement preferences listed in 708.11-1 has  
 461 the burden of establishing good cause.

462

### 463 **708.12. ~~Notice of Petition; General Terms~~**

464 708.12-1. ~~Petitions alleging that a child is in need~~Service of ~~protection or services may be given~~  
 465 ~~to the parties directly by the Nation's Child Welfare attorney or the Indian Child Welfare Worker~~  
 466 ~~or served on the parties pursuant to the Oneida Judiciary Rules of Civil Procedure.~~

467 ~~documents~~708.12-2. Petitions for termination of parental rights, guardianship, and  
 468 ~~adoption~~notices shall be as specified in this law. If a method of service is not specified in this law,  
 469 then service shall be ~~served on all other parties pursuant to the Oneida Judiciary Rules of Civil~~  
 470 ~~Procedure.~~

471 ~~708.12-3. All parties shall be notified of all subsequent hearings under this law~~ by first-class mail  
472 to the recently verified last-known address of the party. If a party's whereabouts are unknown and  
473 cannot be found after diligent effort, service shall be by publication as described in the Oneida  
474 Judiciary Rules of Civil Procedure.

475 708.12-2. The Court shall provide the parties with notice of all hearings at least seven (7) days  
476 prior to the hearing, with the purpose of providing the parties an opportunity to be heard.

477 (a) Exception. In circumstances where a hearing is scheduled and it is not possible to  
478 provide notice at least seven (7) days prior to the hearing, the Court shall make an  
479 appropriate effort to notice all parties of the hearing.

480 708.12-3. When the Department is required to perform personal service, the Indian Child Welfare  
481 Worker may deliver the document(s) directly to the party(s) if such service is appropriate and safe  
482 under the circumstances. In the alternative, personal service may be accomplished according to the  
483 Oneida Judiciary Rules of Civil Procedure.

484 708.12-4. In all proceedings under this law, the Department may withhold the placement  
485 provider's identifying information from the child's parent, guardian, or legal custodian if there are  
486 reasonable grounds to believe that disclosure would result in imminent danger to the child or  
487 anyone else. A parent, guardian, or legal custodian may request judicial review of the decision to  
488 withhold the identifying information.

489

### 490 **708.13. Hearings (General)**

491 708.13-1. If the Court finds that it is in the best interest of the child, the Court may exclude the  
492 child from participating in a hearing conducted in accordance with this law.

493 708.13-2. The Oneida Judiciary Rules of Evidence are not binding at emergency custody hearings,  
494 dispositional hearings, or a hearing about changes in placement, revision of dispositional orders,  
495 extension of dispositional orders, or termination of guardianship orders. At those hearings, the  
496 Court shall admit all testimony having reasonable probative value, but shall exclude immaterial,  
497 irrelevant, or unduly repetitious testimony. Hearsay evidence may be admitted if it has  
498 demonstrable circumstantial guarantees of trustworthiness. The Court shall give effect to the rules  
499 of privilege recognized by laws of the Nation. The Court shall apply the basic principles of  
500 relevancy, materiality, and probative value to proof of all questions of fact.

501 708.13-3. If an alleged father appears at a hearing under this law, the Court may order the  
502 Department to refer the matter to the Oneida Nation Child Support Agency to adjudicate paternity.  
503 If the Court enters such an order, then the Department may sign documents required by the Oneida  
504 Nation Child Support Agency on behalf of the family for the limited purpose of initiating a  
505 paternity action. While paternity is being established, the Court shall enter an order finding good  
506 cause to suspend the time limits established under this law.

507 708.13-4. At any time, the Court or the Department may refer the matter to the Nation's Child  
508 Support Agency.

509

### 510 **708.14. Discovery and Records**

511 708.14-1. Upon written request, the parties and their counsel shall have the right to inspect, copy  
512 or photograph social, psychiatric, psychological, medical, and school reports, and records  
513 concerning the child including reports of preliminary inquiries, predisposition studies and  
514 supervision records relating to the child which are in the possession of the Nation's Child Welfare  
515 attorney or the Department that pertain to any case under this law.

516 708.14-2. The Department shall make available for inspection or disclosure the contents of any  
517 record kept, regardless of the originating source, to a guardian ad litem appointed in a Children's  
518 Code or family law case when that access is granted by order of the Court.

519 708.14-3. If a request for discovery is refused, the person may submit an application to the Court  
520 requesting an order granting discovery. Motions for discovery shall certify that a request for  
521 discovery has been made and refused.

522 708.14-~~34~~. If the discovery violates a privileged communication or a work product rule, the Court  
523 may deny, in whole or part, otherwise limit or set conditions on the discovery authorized.

524 708.14-~~45~~. The identity of the individual that initiated the investigation by contacting the  
525 Department, shall be redacted in all documents that are made available to the parties.

526 708.14-~~56~~. In addition to the discovery procedures permitted under this law, the discovery  
527 procedures permitted under the Oneida Judiciary Rules of Civil Procedure shall apply in all  
528 proceedings under this law.

529 708.14-7. The Department may make an ex parte request to the Court to conduct an in camera  
530 review to determine what information should and should not be released to the parties and their  
531 counsel. In making that determination, the Court shall balance what is necessary to a fair  
532 determination of the child welfare legal matter, including access to records, against the interest in  
533 protecting the child from the risk of harm. After the Court conducts the in camera review, the  
534 decision regarding the release of records shall be provided to the parties in writing.

535

### 536 **708.15. Taking a Child into Custody**

537 708.15-1. *Grounds for Taking a Child into Custody.* A child may be taken into custody without  
538 a Court order by an Indian Child Welfare Worker or law enforcement officer if there are reasonable  
539 grounds to believe:

540 (a) A warrant for the child's apprehension has been issued by the Court or another court of  
541 competent jurisdiction to take the child into custody;

542 (b) The child is suffering from illness or injury or is in immediate danger from his or her  
543 surroundings and removal from those surroundings is necessary; and/or

544 (c) The child has violated the conditions of an order issued pursuant to this law.

545 708.15-2. The Court may enter an order directing that a child be taken into custody upon a showing  
546 satisfactory to the judge that the welfare of the child demands that the child be immediately  
547 removed from his or her present custody.

548 708.15-3. A person taking the child into custody, under this section, shall immediately attempt to  
549 notify the parent(s), guardian(s), and legal custodian(s) of the child by the most practical means.  
550 Attempts to satisfy notification shall continue until either the parent(s), guardian(s), and legal  
551 custodian(s) of the child is notified, or the child is delivered to an Indian Child Welfare Worker,  
552 whichever occurs first. If the child is delivered to the Indian Child Welfare Worker before the  
553 parent(s), guardian(s), and legal custodian(s) is notified, the Indian Child Welfare Worker, or  
554 another person at his or her direction, shall continue the attempt to notify until the parent(s),  
555 guardian(s), and legal custodian(s) of the child is notified.

556 708.15-4. Once the child is taken into custody and turned over to the care of the Department, the  
557 Department shall make every effort to release the child immediately to the child's parent(s),  
558 guardian(s), and legal custodian(s), so long as it is in the child's best interest and the parent(s),  
559 guardian(s), and legal custodian(s) is willing to receive the child.

560 708.15-5. *Probable Cause for Taking a Child into Custody.* A child may be held in custody if the  
 561 Indian Child Welfare Worker determines the child is within the jurisdiction of the Court and  
 562 probable cause exists to believe any of the following if the child is not held in custody:

- 563 (a) The child will cause injury to himself or herself or be subject to injury by others;
- 564 (b) The child will be subject to injury by others, based on a determination that if another  
 565 child in the home is not held that child will be subject to injury by others;
- 566 (c) The parent, guardian or legal custodian of the child or other responsible adult is  
 567 neglecting, refusing, unable or unavailable to provide adequate supervision and care, and  
 568 that services to ensure the child's safety and well-being are not available or would be  
 569 inadequate;
- 570 (d) The child meets the criteria for probable cause for taking a child into custody specified  
 571 in section 708.15-5(c), based on a determination that another child in the home meets any  
 572 of the criteria; or
- 573 (e) The child will run away or be taken away so as to be unavailable for proceedings of the  
 574 Court.

575 708.15-6. *Holding a Child in Custody.* A child held in custody may be held in any of the following  
 576 places as long as the places are in the child's best interest and all people residing or regularly  
 577 visiting the premises have cleared a background check:

- 578 (a) The home of a relative, except that a child may not be held in the home of a relative  
 579 that has been convicted of the first-degree intentional homicide or the second-degree  
 580 intentional homicide of a parent of the child, or any crime against a child, and the  
 581 conviction has not been pardoned, forgiven, reversed, set aside or vacated, unless the  
 582 person making the custody decision determines by clear and convincing evidence that the  
 583 placement would be in the best interests of the child. ~~The person making the custody~~  
 584 ~~decision shall consider the wishes of the child in making that determination;~~
- 585 (b) A licensed foster home;
- 586 (c) A licensed group home;
- 587 (d) A non-secure facility operated by a licensed child welfare agency;
- 588 (e) A licensed private or public shelter care facility; ~~or~~
- 589 (f) A hospital or other medical or mental health facility; or
- 590 (g) ~~(f)~~ The home of a person not a relative, if the placement does not exceed thirty (30)  
 591 days, though the placement may be extended for up to an additional thirty (30) days by the  
 592 Indian Child Welfare Worker, and if the person has not had a child care license refused,  
 593 revoked, or suspended within the last two (2) years.

594 708.15-7. When holding a child in custody for emergency placement the use of the preferences  
 595 for placement stated in section 708.11-1 are preferred, but not mandatory. If the preferences for  
 596 placement are not followed, the Department shall try to transition that child into a home that fits  
 597 the order of preferences for placement as quickly as deemed appropriate by the Department.

598 708.15-8. If a child is held in custody, the Indian Child Welfare Worker shall notify the child's  
 599 parent(s), guardian(s), and legal custodian(s) of the reasons for holding the child and of the child's  
 600 whereabouts except when the Indian Child Welfare Worker believes that notice would present  
 601 imminent danger to the child. If the parent, guardian, or legal custodian is not immediately  
 602 available, the Indian Child Welfare Worker or another person designated by the worker shall  
 603 provide notice as soon as possible.

604 708.15-9. The Indian Child Welfare Worker shall also notify the parent, guardian, and legal  
 605 custodian of the following:

- 606 (a) the date, time and place of the emergency custody hearing;  
607 (b) the nature and possible outcomes of the hearing;  
608 (c) the right to present and cross-examine witnesses; and  
609 (d) the right to retain counsel at his or her own expense.

610 708.15-10. When the child is age twelve (12) or older, the Indian Child Welfare Worker shall  
611 notify the child of the date, time, and place and the nature and possible outcomes of the emergency  
612 custody hearing.

613

#### 614 **708.16. Emergency Custody Hearing**

615 708.16-1. If a child who has been taken into custody under section 708.15-5 is not released, a  
616 hearing to determine whether the child shall continue to be held in custody under the criteria of  
617 probable cause for taking a child into custody under section 708.15-5(a)-(e) shall be conducted by  
618 the Court as soon as possible but no later than seventy-two (72) hours ~~of~~after the time the decision  
619 to hold the child was made, excluding Saturdays, Sundays, and holidays. By the time of the  
620 hearing, a petition for a child in need of protection or services under section 708.17 shall be filed  
621 unless the Department seeks and receives an extension pursuant to section 708.16-2. ~~The~~ child  
622 shall be released from custody if a hearing is not held within the specified timelines.

623 708.16-2. If no petition has been filed by the time of the hearing, a child may be held in custody  
624 with approval of the Court for an additional seventy-two (72) hours from the time of the hearing,  
625 excluding Saturdays, Sundays, and holidays, only if, as a result of the facts brought forth at the  
626 hearing, the Court determines that probable cause exists to believe any of the following:

- 627 (a) That additional time is required to determine whether the filing of a petition initiating  
628 proceedings under this law is necessary;  
629 (b) That the child is an imminent danger to himself or herself or to others; or  
630 (c) The parent, guardian, and legal custodian of the child or other responsible adult is  
631 neglecting, refusing, unable, or unavailable to provide adequate supervision and care.

632 708.16-3. The Court may grant a one-time extension under section 708.16-2 for a petition. In the  
633 event a petition is not filed within the extension period, the Court shall order the child's immediate  
634 release from custody. For any parties not present at the hearing, the Department shall serve the  
635 petition on those parties by certified mail, return receipt requested.

636 ~~708.16-4. Prior to the start of the hearing, the Court shall provide a copy of the petition to the~~  
637 ~~parent, guardian, and legal custodian if present, and to the child if he or she is twelve (12) years of~~  
638 ~~age or older.~~

639 ~~708.16-5.~~708.16-4. Prior to the start of the hearing, the Court shall inform the parent, guardian, or  
640 legal custodian of the following:

- 641 (a) allegations that have been made or may be made;  
642 (b) the nature and possible outcomes of the hearing and possible future hearings;  
643 (c) the right to present and cross-examine witnesses; and  
644 (d) the right to retain counsel at his or her own expense.

645 708.16-~~6~~5. If present at the hearing, the Court may permit the parent to provide the names and  
646 other identifying information of three (3) relatives of the child or other individuals eighteen (18)  
647 years of age or older whose homes the parent wishes the Court to consider as placements for the  
648 child. If the parent does not provide this information at the hearing, the Department shall permit  
649 the parent to provide the information at a later date.

650 708.16-~~7~~6. All orders to hold a child in custody shall be in writing ~~and shall include all of the~~  
651 ~~following.~~

(a) All orders to hold a child in custody shall include all of the following:

~~(a)~~ (1) A finding that continued placement of the child in his or her home would be contrary to the best interests of the child;

~~(b)~~ (2) A finding that the Department and/or anyone else providing services to the child had reasonable grounds to remove the child from the home based on the child's best interest;

~~(c)~~ (3) A finding that the Department- has made reasonable efforts to prevent the removal of the child from the home, while assuring that the child's best ~~interest~~ interests are the paramount concerns;

~~(d)~~ (4) The Department made reasonable efforts to make it possible for the child to return safely home; and

~~(e)~~ (5) If the child has one (1) or more siblings, who have also been removed from the home, a finding as to whether the Department has made reasonable efforts to place the child in a placement that enables the sibling group to remain together, unless the Court determines that a joint placement would be contrary to the safety or well-being of the child or any of those siblings, in which case the Court shall order the Department make reasonable efforts to provide for frequent visitation or other ongoing interaction between the child and the siblings, unless the Court determines that such visitation or interaction would be contrary to the safety or well-being of the child or any of those siblings.

(b) An order to hold a child in custody may include the following:

(1) an transfer of the legal custody of the child, including decisions about health care and education.

708.16-~~87~~. An order to hold a child in custody remains in effect until a dispositional order is granted, the petition is withdrawn or dismissed, or the order is modified or terminated by further order of the Court.

708.16-~~98~~. An order to hold a child in custody may be re-heard upon motion of any party if, in the Court's discretion, good cause is found, whether or not counsel was present.

**708.17. Petition for a Child in Need of Protection or Services**

708.17-1. The Nation's Child Welfare attorney or the Department shall initiate proceedings under this section by filing a petition with the Court, signed by a person who has knowledge of the facts alleged or is informed of them and believes them to be true. Upon filing with the Court, the Department shall provide a copy of the petition to the parties by personal service or, if personal service is not possible, by certified mail with return receipt requested.

708.17-2. The petition shall include the following:

(a) The name, birth date, address, and tribal affiliation of the child;

(b) The names, birth dates, addresses, and tribal affiliation of the child's parent, guardian, legal custodian or spouse, if any; or if no such person can be identified, the name and address of the nearest relative;

(c) Whether the child is in custody, and, if so, the place where the child is being held and the date and time he or she was taken into custody unless there is reasonable cause to believe that such disclosure would result in imminent danger to the child or legal custodian;

(d) A Uniform Child Custody Jurisdiction and Enforcement Act affidavit;

(e) A plain and concise statement of facts upon which the allegations are based, including the dates, times, and location at which the alleged acts occurred. If the child is being held

698 in custody outside his or her home, the statement shall include information showing that  
699 continued placement of the child in the home would be contrary to the welfare of the child  
700 and the efforts that were made to prevent the removal of the child, while assuring that the  
701 child's health, welfare, and safety are the paramount concerns; and

702 (f) Any other information as deemed necessary by the Court.

703 708.17-3. The petition shall state if any of the facts required for a petition are not known or cannot  
704 be ascertained by the petitioner.

705 708.17-4. A petition may be amended at any time at the discretion of the Court. ~~An~~ Upon filing  
706 with the Court, the Department shall provide a copy of the amended petition ~~may be given~~ to the  
707 parties ~~directly by the Nation's Child Welfare attorney or the Indian Child Welfare Worker or served on~~  
708 ~~the parties pursuant to the Oneida Judiciary Rules of Civil Procedure~~ certified mail with return receipt  
709 requested.

710

### 711 **708.18. Consent Decree**

712 708.18-1. *Consent Decree.* At any time after the filing of a petition pursuant to section 708.17  
713 and before the entry of judgment, the Court may suspend the proceedings and place the child under  
714 supervision in the home or present placement of the child. The Court may establish terms and  
715 conditions applicable to the child and the child's parent, guardian or legal custodian. The order  
716 under this section shall be known as a consent decree and must be agreed to by the child who is  
717 twelve (12) years of age or older, the parent, guardian or legal custodian, and the person filing the  
718 petition. The consent decree shall be reduced to writing and given to the parties.

719 708.18-2. *Requirements of a Consent Decree.* If at the time the consent decree is entered into the  
720 child is placed outside the home and if the consent decree maintains the child in that placement,  
721 the consent decree shall include all of the following:

722 (a) A finding that placement of the child in his or her home would be contrary to the  
723 welfare of the child;

724 (b) A finding as to whether the Department has made reasonable efforts to prevent the  
725 removal of the child from the home, while assuring that the child's health and safety and  
726 best interests are the paramount concerns;

727 (c) If a permanency plan has previously been prepared for the child, a finding as to whether  
728 the Department has made reasonable efforts to achieve the permanency goal of the child's  
729 permanency plan; and

730 (d) If the child has one or more siblings who have also been removed from the home, the  
731 consent decree shall include a finding as to whether the Department has made reasonable  
732 efforts to place the child in a placement that enables the sibling group to remain together,  
733 unless the Court determines that the placement of the siblings together would be contrary  
734 to the safety, well-being and best interests of the child or any of those siblings, in which  
735 case the Court shall order the department to make reasonable efforts to provide for frequent  
736 visitation or other ongoing interaction between the child and the siblings, unless the Court  
737 determines that such visitation or interaction would be contrary to the safety, well-being or  
738 best interests of the child or any of those siblings.

739 708.18-3. *Time Limits of Consent Decree.* A consent decree shall remain in effect up to six (6)  
740 months unless the child, parent, guardian, or legal custodian is discharged sooner by the  
741 Court. The time limits under this law shall be tolled during the pendency of the consent decree.

742 708.18-4. *Extension of a Consent Decree.* Upon the motion of the Court or the request of the  
743 child, parent, guardian, legal custodian, child's guardian ad litem, or the Department, the Court



744 may, after giving notice to the parties to the consent decree, extend the decree for up to an  
745 additional six (6) months in the absence of objection to the extension by the parties to the initial  
746 consent decree. If the child, parent, guardian, legal custodian, or child's guardian ad litem objects  
747 to the extension, the Court shall schedule a hearing and make a determination on the issue of  
748 extension.

749 708.18-5. If, prior to discharge by the Court, or the expiration of the consent decree, the Court  
750 finds after conducting a hearing that the child, parent, guardian, or legal custodian has failed to  
751 fulfill the express terms and conditions of the consent decree, the hearing under which the child  
752 was placed on supervision may be continued to conclusion as if the consent decree had never been  
753 entered.

754

### 755 **708.19. Plea Hearing for a Child in Need of Protection or Services**

756 708.19-1. A plea hearing shall take place on a date which allows reasonable time for the parties to  
757 prepare but is within forty-five (45) days after the filing of a petition, unless the Court enters an  
758 order finding good cause to go outside of the time limits.

759 708.19-2. If a petition is not contested, the Court shall set a date for the dispositional hearing  
760 which allows reasonable time for the parties to prepare but is within forty-five (45) days after the  
761 plea hearing, unless the Court enters an order finding good cause to go outside the time limits. If  
762 all the parties agree and the Department has submitted a court report pursuant to section 708.21,  
763 the Court may proceed immediately with the dispositional hearing.

764 708.19-3. If the petition is contested, the Court shall set a date for the fact-finding hearing which  
765 allows reasonable time for the parties to prepare but is within sixty (60) days after the plea hearing,  
766 unless the Court enters an order finding good cause to go outside the time limits.

767 708.19-4. Before accepting an admission or plea of no contest of the alleged facts in a petition,  
768 the Court shall:

769 (a) Address the parties present and determine that the plea of no contest or admission is  
770 made voluntarily with understanding of the nature of the acts alleged in the petition and  
771 the potential outcomes;

772 (b) Establish whether any promises or threats were made to elicit the plea of no contest or  
773 admission; and

774 (c) Make inquiries that establish a factual basis for the plea of no contest or admission.

775 708.19-5. At the plea hearing the Department may request placement of the child outside of the  
776 child's home in accordance with the placement preferences in section 708.11-1, if notice of the  
777 Department's intent to seek out of home placement of the child was provided to the parties prior  
778 to the hearing in substantial compliance with section 708.15-9. In the request for placement of the  
779 child outside of the child's home the Department shall present as evidence specific information as  
780 outlined in 708.16-6(a)(1)-(5).

781 708.19-6. If the Court orders the out of home placement of the child, the order shall be in writing  
782 and shall contain the information required by section 708.16-6(a)(1)-(5).

783

### 784 **708.20. Fact finding Hearing for a Child in Need of Protection or Services**

785 708.20-1. The fact-finding hearing is a hearing conducted by the Court to determine whether there  
786 is clear and convincing evidence to establish that the child is in need of protection or services.

787 708.20-2. The fact-finding hearing shall be conducted according to the Oneida Judiciary Rules of  
788 Civil Procedure except that the Court may exclude the child from the hearing.

789 708.20-3. At the close of the fact-finding hearing, the Court shall set a date for the dispositional  
790 hearing which allows a reasonable time for the parties to prepare but is no more than forty-five  
791 (45) days after the fact-finding hearing, unless the Court enters an order finding good cause to go  
792 outside the time limits. If all the parties agree and the Department has submitted court report  
793 pursuant to section 708.21, the Court may proceed immediately with the dispositional hearing.  
794

795 **708.21. Department's Disposition Report for a Child in Need of Protection or Services**

796 708.21-1. Before the dispositional hearing, the Department shall submit a written report to the  
797 Court, with a copy provided to the parties by first-class mail at least seven (7) days prior to the  
798 hearing, which shall contain all of the following:

- 799 (a) The social history of the child and family;  
800 (b) A strategic plan for the care of and assistance to the child and family calculated to  
801 resolve the concerns presented in the petition;  
802 (c) A detailed explanation showing the necessity for the proposed plan of disposition and  
803 the benefits to the child and family under the proposed plan; and  
804 (d) If an out-of-home placement is being recommended, specific reasons for  
805 recommending that placement.

806 708.21-2. If the Department is recommending out-of-home placement, the written report shall  
807 include all of the following:

- 808 (a) The location of the placement and where it fits within the placement preferences.  
809 (b) A recommendation as to whether the Court should establish a child support obligation  
810 for the parents;  
811 (c) Specific information showing that continued placement of the child in his or her home  
812 would be contrary to the best interests of the child and specific information showing that  
813 the Department has made reasonable efforts to prevent the removal of the child from the  
814 home, while assuring that the child's best interests are the paramount concerns;  
815 (d) If the child has one (1) or more siblings who have been removed from the home or for  
816 whom an out-of-home placement is recommended, specific information showing that  
817 Department has made reasonable efforts to place the child in a placement that enables the  
818 sibling group to remain together, unless the Department recommends that the child and his  
819 or her siblings not be placed together, in which case the report shall include specific  
820 information showing that placement of the children together would be contrary to the best  
821 interests of the child or any of those siblings; and  
822 (e) If a recommendation is made that the child and his or her siblings not be placed together  
823 specific information showing that the Department has made reasonable efforts to provide  
824 for frequent visitation or other ongoing interaction between the child and the siblings,  
825 unless the Department recommends that such visitation or interaction not be provided, in  
826 which case the report shall include specific information showing that such visitation or  
827 interaction would be contrary to best interests of the child or any of those siblings;

828 ~~708.21-3. The Department may request the Court to withhold identifying information from the~~  
829 ~~child's parent, guardian or legal custodian if there are reasonable grounds to believe that disclosure~~  
830 ~~would result in imminent danger to the child or anyone else.~~

831

832 **708.22. Dispositional Hearing for a Child in Need of Protection or Services**

833 708.22-1. At a dispositional hearing, any party may present evidence relevant to the issue of  
834 disposition, including expert testimony, and may make alternative dispositional recommendations.

835 708.22-2. During a dispositional hearing, if the Department is recommending placement of the  
836 child outside of the child's home in accordance with the placement preferences in section 708.11-  
837 1, the Department shall present as evidence specific information showing all of the following:

838 (a) That continued placement of the child in his or her home would be contrary to the best  
839 interests of the child;

840 (b) That the Department has made reasonable efforts to prevent the removal of the child  
841 from the home, while assuring that the child's best interests are the paramount concerns;

842 (c) If the child has one (1) or more siblings who have been removed from the home or for  
843 whom an out-of-home placement is recommended, that the Department has made  
844 reasonable efforts to place the child in a placement that enables the sibling group to remain  
845 together, unless the Department recommends that the child and his or her siblings not be  
846 placed together, in which case the Department shall present as evidence specific  
847 information showing that placement of the children together would be contrary to the best  
848 interests of the child or any of those siblings; and

849 (d) If a recommendation is made that the child and his or her siblings not be placed together,  
850 that the Department has made reasonable efforts to provide for frequent visitation or other  
851 ongoing interaction between the child and the siblings, unless the Department recommends  
852 that such visitation or interaction not be provided, in which case the Department shall  
853 present as evidence specific information showing that such visitation or interaction would  
854 be contrary to the best interests of the child or any of those siblings.

855 708.22-3. The Court's dispositional order shall employ those means necessary to maintain and  
856 protect the best interests of the child which are the least restrictive of the rights of the parent and  
857 child and which assure the care, treatment or rehabilitation of the child and the family consistent  
858 with the protection of the public. When appropriate, and, in cases of child abuse or neglect when  
859 it is consistent with the best interest of the child in terms of physical safety and physical health,  
860 the family unit shall be preserved and there shall be a policy of transferring custody of a child from  
861 the parent only when there is no less drastic alternative. If there is no less drastic alternative for a  
862 child than transferring custody from the parent, the Court shall consider transferring custody  
863 pursuant to the preferences for placement set forth in section 708.11-1.

864 708.22-4. *Dispositional Orders.* The Court's dispositional order shall be in writing and shall  
865 contain:

866 (a) The ~~treatment~~service plan and specific services to be provided to the child and family,  
867 and if custody of the child is to be transferred to effect the ~~treatment~~service plan, the  
868 identity of the legal custodian;

869 (b) If the child is placed outside the home, where the child will be placed. If the Court  
870 finds that disclosing identifying information related to placement of the child would result  
871 in imminent danger to the child or anyone else, the Court may order the name and address  
872 of whom the child is placed with withheld from the parent or guardian;

873 (c) The date of the expiration of the court's order;

874 (1) A dispositional order made before the child reaches eighteen (18) years of age  
875 that places or continues the placement of the child in his or her home shall terminate  
876 one (1) year after the date on which the order is granted unless the Court specifies  
877 a shorter period of time or the Court terminates the order sooner.

878 (2) A dispositional order made before the child reaches eighteen (18) years of age  
879 that places or continues the placement of the child outside of the home shall

880 terminate on the latest of the following dates, unless the Court specifies a shorter  
881 period or the Court terminates the order sooner:

882 (A) The date on which the child attains eighteen (18) years of age;

883 (B) The date that is one (1) year after the date on which the order is granted;  
884 and

885 (C) The date on which the child is granted a high school or high school  
886 equivalency diploma or the date on which the child reaches nineteen (19)  
887 years of age, whichever occurs first, if the child is a full-time student at a  
888 secondary school or its vocational or technical equivalent and is reasonably  
889 expected to complete the program before reaching nineteen (19) years of  
890 age.

891 (d) If the child is placed outside the home, a finding that continued placement of the child  
892 in his or her home would be contrary to the welfare of the child and a finding as to whether  
893 the Department has made reasonable efforts to prevent the removal of the child from the  
894 home, while assuring that the child's best interests are the paramount concerns. The Court  
895 shall make the findings specified in this ~~subdivision~~subsection on a case-by-case basis  
896 based on circumstances specific to the child;

897 (e) If the child is placed outside the home under the supervision of the Department, an  
898 order ordering the child into the placement and care responsibility of the Department and  
899 assigning the Department primary responsibility for providing services to the child and  
900 family;

901 (f) If the child is placed outside the home and if the child has one (1) or more siblings who  
902 have also been placed outside the home, a finding as to whether the Department has made  
903 reasonable efforts to place the child in a placement that enables the sibling group to remain  
904 together, unless the Court determines that placement of the children together would be  
905 contrary to the best interests of the child or any of those siblings, in which case the Court  
906 shall order the Department to make reasonable efforts to provide for frequent visitation or  
907 other ongoing interaction between the child and the siblings, unless the Court determines  
908 that such visitation or interaction would be contrary to the best interests of the child or any  
909 of those siblings;

910 (g) A statement of the conditions with which the parties are required to comply; and

911 (h) If the Court finds that it would be in the best interest of the child, the Court may set  
912 reasonable rules of parental visitation.

913 (1) If the Court denies a parent visitation, the Court shall enter conditions that shall  
914 be met by the parent in order for the parent to be granted visitation.

915 708.22-5. ~~Treatment Plans~~Service plans and Conditions. In a proceeding in which a child has  
916 been found to be in need of protection or services, the Court may order the child's parent, guardian  
917 and legal custodian to comply with any conditions and/or ~~treatment~~service plan determined by the  
918 Court to be necessary for the child's welfare.

919 (a) The ~~treatment~~service plan or conditions ordered by the Court shall contain the  
920 following information:

921 (1) The identification of the problems or conditions that resulted in the abuse or  
922 neglect of a child;

923 (2) The treatment goals and objectives for each condition or requirement  
924 established in the plan. If the child has been removed from the home, the

925 ~~treatment~~service plan must include, but is not limited to, the conditions or  
 926 requirements that must be established for the safe return of the child to the family;  
 927 (3) The specific treatment objectives that clearly identify the separate roles and  
 928 responsibilities of all parties addressed in the ~~treatment~~service plan, including the  
 929 Department's specific responsibilities to make reasonable efforts to assist the  
 930 parent, guardian or legal custodian in their efforts toward reunification with the  
 931 child; and

932 (4) A notice that completion of a ~~treatment~~service plan does not guarantee the  
 933 return of a child and that completion of a ~~treatment~~service plan without a change in  
 934 behavior that caused removal in the first instance may result in the child remaining  
 935 outside the home.

936 (b) A ~~treatment~~service plan may include recommendations and the dispositional order may  
 937 require the child's parent, guardian and legal custodian to participate in:

- 938 (1) Outpatient mental health treatment;
- 939 (2) Substance abuse treatment;
- 940 (3) Anger management;
- 941 (4) Individual or family counseling;
- 942 (5) Parent training and education;
- 943 (6) Cultural wellness treatment and training; and/or
- 944 (7) Any other treatment as deemed appropriate by the Court.

945 708.22-6. If the Court finds that the parent was convicted of committing a crime against the life  
 946 and bodily security of a child or a crime against a child, contained within Chapters 940 and 948 of  
 947 the Wisconsin Statutes or another similar law in another jurisdiction, the Court may find that the  
 948 Department is not required to make reasonable efforts with respect to the parent to make it possible  
 949 for the child to return safely to his or her home.

950 708.22-7. The Court shall provide a copy of the dispositional order to the child's parent, guardian,  
 951 and legal custodian, and other parties to the action, ~~and the child if the child is age twelve (12) or~~  
 952 ~~older.~~

953 708.22-8. Whenever the Court orders a child to be placed outside his or her home or denies a  
 954 parent visitation because the child is in need of protection or services, the Court shall orally inform  
 955 the parent who appears in Court of any grounds for suspension or termination of parental rights  
 956 which may be applicable and of the conditions necessary for the child to be returned to the home  
 957 or for the parent to be granted visitation. The Court shall also include this information in the written  
 958 dispositional order provided to the parent.

### 959 708.23. Permanency Plans

960 708.23-1. The Department shall prepare a written permanency plan anytime a child is placed  
 961 outside the home pursuant to dispositional order that finds the child is in need of protection or  
 962 services. ~~The permanency plan shall include all of the following:~~

- 963 (a) The permanency plan shall include all of the following:
- 964 (1) The name, birth date, address, and tribal affiliation of the child;
- 965 (b2) ~~The~~ names, birth dates, addresses, and tribal affiliation of the child's parent(s),  
 966 guardian(s), and legal custodian(s);
- 967 (e3) ~~The~~ date on which the child was removed from the home;
- 968 (d4) ~~A~~ statement as to the availability of a safe and appropriate placement with an  
 969 extended family member;
- 970

971 (e5) The goal(s) of the permanency plan which may include one or more of the  
 972 following: reunification, adoption, guardianship, placement with a fit and willing  
 973 relative, or long-term foster care;

974 (f6) Date by which it is likely the goal(s) of the permanency plan will likely be  
 975 achieved;

976 (g7) A description of the services offered and any services provided in an effort to  
 977 prevent removal of the child from the home or to return the child to the home, while  
 978 assuring that the best interests of the child are the paramount concerns;

979 (h8) If the child has one (1) or more siblings who have been removed from the  
 980 home, a description of the efforts made to place the child in a placement that enables  
 981 the sibling group to remain together. If a decision is made to not place the siblings  
 982 together, a description of the efforts made to provide for frequent and ongoing  
 983 visitation or other ongoing interaction between the child and siblings;

984 (i9) Information about the child's education; and

985 (j10) Any other appropriate information as deemed necessary by the Court or the  
 986 Department.

987 708.23-2. The Department shall file the initial permanency plan with the Court within sixty (60)  
 988 days after the date the child was first removed from the home unless the child is returned to the  
 989 home within that time period.

990 708.23-3. The Court shall hold a hearing to review the permanency plan no later than six (6)  
 991 months after the date on which the child was first removed from the home and every six months  
 992 thereafter for as long as the child is placed outside the home and is found to be in need of protection  
 993 or services.

994 (a) At least ~~five (5) business~~seven (7) days before the date of the hearing, the Department  
 995 shall ~~provide a copy of~~file the updated permanency plan ~~to~~with the Court and provide a  
 996 copy to the parties by first-class mail.

997 (b) All parties, including foster parent(s) shall have a right to be heard at the permanency  
 998 plan hearing. Any party may submit written comments to the Court no less than three (3)  
 999 business days prior to the hearing date.

1000 708.23-4. After the hearing, the Court shall enter a written order addressing the following:

1001 (a) The continuing necessity for and the safety and appropriateness of the placement;

1002 (b) The compliance with the permanency plan by the Department and any other service  
 1003 providers, the child's parent(s), and the child;

1004 (c) Efforts taken to involve appropriate service providers and Department staff in meeting  
 1005 the special needs of the child and the child's parent(s);

1006 (d) The progress toward eliminating the causes for the child's placement outside the home  
 1007 and returning the child safely to the home or obtaining a permanent placement for the child;

1008 (e) The date by which it is likely that the child will be returned to the home or placed for  
 1009 adoption, with a guardian, with a fit and willing relative, or in some other permanent living  
 1010 arrangement;

1011 (f) Whether reasonable efforts were made by the Department to achieve the permanency  
 1012 plan goal(s);

1013 (g) Whether reasonable efforts were made by the Department to place the child in a  
 1014 placement that enables the sibling group to remain together or have frequent visitation or  
 1015 other ongoing interaction; and

1016 (h) The date of the next review hearing, if appropriate.

1017

1018 **708.24. Change in Placement**

1019 708.24-1. The Department, the Nation's Child Welfare attorney, or a party to the dispositional  
1020 order may request a change in the placement of the child who is the subject of the dispositional  
1021 order by filing a motion with the Court. The Court may also propose a change in placement on its  
1022 own motion.

1023 708.24-2. The request for a change in placement shall contain the name and address of the new  
1024 placement requested and shall state what new information is available that affects the advisability  
1025 of the current placement.

1026 708.24-3. If the proposed change in placement moves the child outside of his or her home, the  
1027 request shall contain specific information showing that continued placement of the child in the  
1028 home would be contrary to the best interests of the child and if the Department is making the  
1029 request, specific information showing that the Department has made reasonable efforts to prevent  
1030 the removal of the child from the home, while assuring that the child's best interests are the  
1031 paramount concerns.

1032 708.24-4. ~~Written notice~~ Upon filing with the Court, the Department shall provide a copy of the  
1033 proposed request for a change in placement shall be sent to all of the parties pursuant to the Oneida  
1034 Judiciary Rules of Civil Procedure by first-class mail.

1035 (a) The Department shall schedule a hearing prior to placing the child outside of the home,  
1036 unless emergency conditions that necessitate an immediate change in the placement of a  
1037 child apply.

1038 (b) A hearing is not required when the child currently placed outside the home transfers to  
1039 another out-of-home placement.

1040 (1) A party may request a hearing when the child is transferred to a different out-  
1041 of-home placement by submitting a written request to the Court within ten (10)  
1042 days of being served with the notice of the proposed change.

1043 708.24-5. If a hearing is held, any party may present evidence relevant to the issue of the change  
1044 in placement. In addition, the Court shall give a foster parent or other legal custodian a right to be  
1045 heard at the hearing by permitting the foster parent or other legal custodian to make a written or  
1046 oral statement during the hearing, or to submit a written statement prior to the hearing, relevant to  
1047 the issue of change in placement.

1048 708.24-6. *Emergency Change in Placement.* If emergency conditions necessitate an immediate  
1049 change in the placement of a child, the Department may remove the child to a new placement,  
1050 whether or not authorized by the existing dispositional order. ~~Notice~~ The Department shall notify  
1051 the parties of the emergency change in placement shall be sent to the parties by personal service as  
1052 soon as possible but no later than seventy-two (72) hours after the emergency change in placement  
1053 excluding Saturdays, Sundays, and holidays. If the emergency conditions necessitate an  
1054 immediate change in placement of a child placed in the home to a placement outside the home, the  
1055 Department shall schedule the matter for a hearing as soon as possible but no later than seventy-  
1056 two (72) hours after the emergency change in placement is made, excluding Saturdays, Sundays,  
1057 and holidays.

1058 708.24-7. The parties may agree to a change in placement by signing a stipulation and filing it  
1059 with the Court for approval.

1060 708.24-8. No change in placement may extend the expiration date of the original dispositional  
1061 order, except that if the change in placement is from a placement in the child's home to a placement

1062 outside the home the Court may extend the expiration date of the original dispositional order to  
1063 the latest of the following dates, unless the Court specifies a shorter period:

- 1064 (a) The date on which the child reaches eighteen (18) years of age;  
1065 (b) The date that is one (1) year after the date on which the change-in-placement order is  
1066 granted; or  
1067 (c) The date on which the child is granted a high school or high school equivalency  
1068 diploma or the date on which the child reaches nineteen (19) years of age, whichever occurs  
1069 first, if the child is a full-time student at a secondary school or its vocational or technical  
1070 equivalent and is reasonably expected to complete the program before reaching nineteen  
1071 (19) years of age.

1072 708.24-9. If the change in placement is from a placement outside the home to a placement in the  
1073 child's home and if the expiration date of the original dispositional order is more than one (1) year  
1074 after the date on which the change-in-placement order is granted, the Court shall shorten the  
1075 expiration date of the original dispositional order to the date that is one (1) year after the date on  
1076 which the change-in-placement order is granted or to an earlier date as specified by the Court.

1077

### 1078 **708.25. Trial Reunification**

1079 708.25-1. The Department or the Nation's Child Welfare attorney may request the Court to order  
1080 a trial reunification. A trial reunification occurs when a child placed in an out-of-home placement  
1081 resides in the home of a parent, guardian, or legal custodian from which the child was removed for  
1082 a period of seven (7) consecutive days or longer, but not exceeding one hundred fifty (150) days,  
1083 for the purpose of determining the appropriateness of changing the placement of the child to that  
1084 home. A trial reunification is not a change in placement under section 708.24.

1085 708.25-2. *Request for Trial Reunification.* The Department or the Nation's Child Welfare attorney  
1086 shall include the following in the request for a trial reunification:

- 1087 (a) The name and address of the requested trial reunification home;  
1088 (b) A statement describing why the trial reunification is in the best interests of the child;  
1089 and  
1090 (c) A statement describing how the trial reunification satisfies the objective of the child's  
1091 permanency plan.

1092 708.25-3. *Emergency Removal of a Child.* A request for a trial reunification may not be made on  
1093 the sole grounds that an emergency condition necessitates an immediate removal of the child from  
1094 the child's out-of-home placement. If an emergency condition necessitates such an immediate  
1095 removal, the Department shall proceed with an emergency change in placement as described in  
1096 section 708.24-6.

1097 708.25-4. *Notice.* The Department or Nation's Child Welfare attorney shall submit the request to  
1098 the Court ~~and~~ Upon filing with the Court and at least seven (7) days before the date of  
1099 reunification, the Department shall provide the parent, guardian, legal custodian, and any other  
1100 party written notice ~~pursuant to the Oneida Judiciary Rules of Civil Procedure~~ of the proposed  
1101 reunification by first-class mail. The notice shall contain the information that is required to be  
1102 included in the request under section 708.25-2.

1103 708.25-5. *Trial Reunification Hearing.* Any party who is entitled to receive notice of a requested  
1104 trial reunification may obtain a hearing on the matter by filing an objection with the Court within  
1105 ten (10) days after the trial reunification request was filed with the Court.

- 1106 (a) If no objection against the trial reunification is filed, the Court may issue an order for  
1107 the trial reunification.



1108 (b) If an objection is filed, a hearing shall be held within forty five (45) days after the  
1109 request was filed with the Court. A trial reunification shall not occur until after the hearing.  
1110 Not less than three (3) business days before the hearing the ~~Department or the~~ Court shall  
1111 provide notice of the hearing to all parties ~~with a request for the trial reunification attached~~  
1112 ~~to the notice.~~

1113 (1) If a hearing is held and the trial reunification would remove a child from a foster  
1114 home or other placement with a legal custodian, the Court shall give the foster  
1115 parent or other legal custodian a right to be heard at the hearing by permitting the  
1116 foster parent or legal custodian to make a written or oral statement relating to the  
1117 child and the requested trial reunification.

1118 (2) The Court may appoint a guardian ad litem for the child during the trial  
1119 reunification hearing.

1120 708.25-6. *Order.* If the Court finds that the trial reunification is in the best interest of the child  
1121 and that the trial reunification satisfies the objectives of the child's permanency plan, the Court  
1122 shall order the trial reunification. The trial reunification shall terminate ninety (90) days after the  
1123 date of the order, unless the Court specifies a shorter period in the order, or extends or revokes the  
1124 trial reunification. No trial reunification order may extend the expiration date of the original  
1125 dispositional order or any extension of the dispositional order.

1126 708.25-7. *Extension of Trial Reunification.* The Department may request an extension of a trial  
1127 reunification.

1128 (a) *Extension Request.* The request shall contain a statement describing how the trial  
1129 reunification continues to be in the best interests of the child. No later than ~~ten (10)~~seven  
1130 (7) days prior to the expiration of the trial reunification, the Department shall submit the  
1131 request to the Court and shall cause notice of the request to be provided to all parties by  
1132 first-class mail.

1133 (b) *Extension Hearing.* Any party may obtain a hearing on the requested extension by  
1134 filing an objection with the Court within ten (10) days after the extension request was filed  
1135 with the Court.

1136 (1) If no objection is filed, the Court may order an extension of the trial  
1137 reunification.

1138 (2) If an objection is filed, the Court shall schedule a hearing on the matter. If the  
1139 Court is unable to conduct a hearing on the matter before the trial reunification  
1140 expires, the trial reunification shall remain in effect until the Court is able hold the  
1141 hearing. Not less than three (3) business days before the hearing the ~~Department or~~  
1142 ~~the~~ Court shall provide notice of the hearing to all parties ~~with a copy of the~~  
1143 ~~extension request attached.~~

1144 (c) *Extension Order.* If the Court finds that the trial reunification continues to be in the  
1145 best interests of the child, the Court shall grant an order extending the trial reunification  
1146 for a period specified by the Court. Any number of extensions may be granted, but the total  
1147 period for a trial reunification may not exceed one hundred and fifty (150) days.

1148 708.25-8. *End of Trial Reunification Period.* When a trial reunification period ends, the  
1149 Department shall do one (1) of the following:

1150 (a) Return the child to his or her out-of-home placement. The Department may do so  
1151 without further order of the Court, but within five (5) days after the return of the child to  
1152 his or her out-of-home placement the Department shall provide the parties with written  
1153 notice of the following by first-class mail:

- 1154 (1) the date of the return of the child to the out-of-home placement; and  
 1155 (2) the address of that placement to all parties, unless providing the address would  
 1156 present imminent danger to the child;
- 1157 (b) Request a change in placement under section 708.24 to place the child in a new out-of-  
 1158 home placement; or
- 1159 (c) Request a change in placement under section 708.24 to place the child in the trial  
 1160 reunification home.
- 1161 *708.25-9. Revocation of Trial Reunification.* The Department may determine that a trial  
 1162 reunification is no longer in the best interests of the child and revoke the trial reunification before  
 1163 the specified trial reunification period ends.
- 1164 (a) *Revocation Request.* If the Department determines that the trial reunification is no  
 1165 longer in the best interests of the child, the Department, without prior order by the Court,  
 1166 may remove the child from the trial reunification home and place the child in the child's  
 1167 previous out-of-home placement or place the child in a new out-of-home placement.
- 1168 (1) If the Department places the child in the child's previous out-of-home  
 1169 placement, within three (3) business days of removing the child from the trial  
 1170 reunification home, the Department shall submit a request for revocation of the trial  
 1171 reunification to the Court and shall provide notice of the request to all parties: by  
 1172 first-class mail. The request shall contain the following information:
- 1173 (A) the date on which the child was removed from the trial reunification  
 1174 home;
- 1175 (B) the address of the child's current placement, unless providing the  
 1176 address would present imminent danger to the child; and
- 1177 (C) the reasons for the proposed revocation.
- 1178 (2) If the Department places the child in a new out-of-home placement, within  
 1179 three (3) business days of removing the child from the trial reunification home, the  
 1180 Department shall request a change in placement under section 708.22. The  
 1181 procedures specified in section 708.24, including all notice procedures, apply to a  
 1182 change in placement requested under this subdivisionsubsection, except that the  
 1183 request shall include the date on which the child was removed from the trial  
 1184 reunification home in addition to the information required in 708.24-2. The trial  
 1185 reunification is revoked when the change in placement order is granted.
- 1186 (b) *Revocation Hearing.* Any party may obtain a hearing on the matter by filing an  
 1187 objection with the Court within ten (10) days after the request was filed with the Court.
- 1188 (1) If no objection is filed, the Court may issue a revocation order.
- 1189 (2) If an objection is filed, the Court shall schedule a hearing on the matter. Not  
 1190 less than three (3) business days before the hearing the Court shall provide notice  
 1191 of the hearing together with a copy of the request for the revocation, to all parties.
- 1192 (c) *Revocation Order.* If the Court finds that the trial reunification is no longer in the best  
 1193 interests of the child who has been placed in his or her previous out-of-home placement,  
 1194 the Court shall grant an order revoking the trial reunification.
- 1195 *708.25-10. Prohibited Trial Reunifications.* The Court may not order a trial reunification in the  
 1196 home of an adult who has been convicted of the first-degree intentional homicide or the second-  
 1197 degree intentional homicide of a parent of the child or any crime against a child, if the conviction  
 1198 has not been reversed, set aside, vacated or pardoned. If a parent in whose home a child is placed  
 1199 for a trial reunification is convicted of homicide or a crime against a child, and the conviction has

1200 not been reversed, set aside, vacated or pardoned, the Court shall revoke the trial reunification and  
1201 the child shall be returned to his or her previous out-of-home placement, or placed in a new out-  
1202 of-home placement.

1203 (a) *Exception.* A prohibition against trial reunifications based on homicide of a parent or  
1204 a crime against a child does not apply if the Court determines by clear and convincing  
1205 evidence that the placement would be in the best interests of the child.  
1206

#### 1207 **708.26. Revision of Dispositional Orders**

1208 708.26-1. A party, or the Court on its own motion, may request a revision in the dispositional  
1209 order that does not involve a change in placement.

1210 708.26-2. The request or Court proposal shall set forth in detail the nature of the proposed revision  
1211 and what new information is available that affects the advisability of the Court's disposition. The  
1212 request for revision shall be filed with the Court with notice provided ~~by the parties pursuant to~~  
1213 ~~the Oneida Judiciary Rules of Civil Procedure~~ to the parties by first-class mail.

1214 708.26-3. The Court shall hold a hearing on the matter prior to any revision of the dispositional  
1215 order if the request or Court proposal indicates that new information is available that affects the  
1216 advisability of the Court's dispositional order, unless the parties file a signed stipulation and the  
1217 Court approves.

1218 708.26-4. If a hearing is held, any party may present evidence relevant to the issue of revision of  
1219 the dispositional order. In addition, the Court shall give a foster parent or other legal custodian a  
1220 right to be heard at the hearing by permitting the foster parent or other legal custodian to make a  
1221 written or oral statement during the hearing, or to submit a written statement prior to the hearing,  
1222 relevant to the issue of revision.  
1223

#### 1224 **708.27. Extension of Dispositional Orders**

1225 708.27-1. A party, or the Court on its own motion, may request an extension of a dispositional  
1226 order. The request shall be filed with the Court with notice to the parties ~~pursuant to the Oneida~~  
1227 ~~Judiciary Rules of Civil Procedure~~ by first-class mail.

1228 708.27-2. No order may be extended without a hearing, unless the parties file a signed stipulation  
1229 and the Court approves.

1230 708.27-3. Any party may present evidence relevant to the issue of extension. If the child is placed  
1231 outside of his or her home, the Department shall present as evidence specific information showing  
1232 that the Department has made reasonable efforts to achieve the permanency goal of the child's  
1233 permanency plan. In addition, the Court shall give a foster parent or other legal custodian a right  
1234 to be heard at the hearing by permitting the foster parent or other legal custodian to make a written  
1235 or oral statement during the hearing, or to submit a written statement prior to the hearing, relevant  
1236 to the issue of extension.

1237 708.27-4. The Court shall make findings of fact and conclusions of law based on the evidence.  
1238 The findings of fact shall include a finding as to whether reasonable efforts were made by the  
1239 Department to achieve the permanency goal of the child's permanency plan ~~- if applicable.~~

1240 708.27-5. If a request to extend a dispositional order is made prior to the termination of the order,  
1241 but the Court is unable to conduct a hearing on the request prior to the termination date, the order  
1242 shall remain in effect until such time as an extension hearing is conducted.  
1243

1244 **708.28. Continuation of Dispositional Orders**

1245 708.28-1. If a petition for suspension or termination of parental rights or guardianship is filed or  
1246 an appeal from a suspension or termination of parental rights or guardianship judgment is filed  
1247 during the year in which a child in need of protection or services dispositional order is in effect,  
1248 the dispositional order shall remain in effect until all proceedings related to the petition or appeal  
1249 are concluded.

1250

1251 **708.29. Guardianship for Certain Children in Need of Protection or Services**

1252 708.29-1. *Conditions for Guardianship.* The Court may appoint a guardian for a child if the Court  
1253 finds all of the following:

1254 (a) That the child has been found to be in need of protection or services under this law and  
1255 has been placed outside of his or her home pursuant to one (1) or more Court orders, or  
1256 that the child has been found to be in need of protection or services and placement of the  
1257 child in the home of a guardian under this section has been recommended by the  
1258 Department at the dispositional hearing;

1259 (b) That the person nominated as the guardian of the child is a person with whom the child  
1260 has been placed or in whose home placement of the child is recommended by the  
1261 Department and that it is likely that the child will continue to be placed with that person  
1262 for an extended period of time or until the child attains the age of eighteen (18) years;

1263 (c) That, if appointed, it is likely that the person would be willing and able to serve as the  
1264 child's guardian for an extended period of time or until the child attains the age of eighteen  
1265 (18) years;

1266 (d) That it is not in the best interests of the child that a petition to suspend or terminate  
1267 parental rights be filed with respect to the child;

1268 (e) That the child's parents are neglecting, refusing or unable to carry out the duties of a  
1269 guardian; and

1270 (f) That the Department has made reasonable efforts to make it possible for the child to  
1271 return to his or her home, while assuring that the child's best interests are the paramount  
1272 concerns, but that reunification of the child with the child's parent(s) is unlikely or contrary  
1273 to the best interests of the child and that further reunification efforts are unlikely to be made  
1274 or are contrary to the best interests of the child or that the Department has made reasonable  
1275 efforts to prevent the removal of the child from his or her home, while assuring the child's  
1276 best interests, but that continued placement of the child in the home would be contrary to  
1277 the best interests of the child.

1278 708.29-2. *Who May File a Petition for Guardianship.* Any of the following persons may file a  
1279 petition for the appointment of a guardian for a child under this section:

1280 (a) The child;

1281 (b) The child's guardian ad litem;

1282 (c) The child's parent;

1283 (d) The person with whom the child is placed or in whose home placement of the child is  
1284 recommended by the Department;

1285 (e) The Department; or

1286 (f) The Nation's Child Welfare attorney.

1287 708.29-3. *Petition for Guardianship.* A proceeding for the appointment of a guardian for a child  
1288 shall be initiated by a petition which shall include the following:

1289 (a) The name, birth date, address, and tribal affiliation of the child;

- 1290 (b) The names, birth dates, addresses, and tribal affiliation of the child's parents;  
1291 (c) A copy of the order adjudicating the child to be in need of protection or services and  
1292 the order placing the child outside of the parental home; and  
1293 (d) A statement of the facts and circumstances which the petitioner alleges establish that  
1294 the conditions for guardianship specified in section 708.2729-1(a)-(f) are met.

1295 ~~708.29-4.~~708.29-4. *Notice of Petition for Guardianship.* Upon filing with the Court and at least  
1296 seven (7) days prior to the plea hearing, the party that filed the guardianship petition shall provide  
1297 a copy of the petition to the other parties by personal service or, if personal service is not possible,  
1298 by certified mail with return receipt requested.

1299 708.29-5. *Presence of the Proposed Guardian.* The proposed guardian shall be present at all  
1300 guardianship hearings. The Court may waive the appearance requirement for the proposed  
1301 guardian if the Court determines there is good cause.

1302 708.29-56. *Plea Hearing for Guardianship.* A plea hearing to determine whether any party wishes  
1303 to contest a petition for guardianship shall take place no sooner than ten (10) days after the filing  
1304 of the petition. At the hearing, the non-petitioning parties shall state whether they wish to contest  
1305 the petition. Before accepting an admission or a plea of no contest to the allegations in the petition,  
1306 the Court shall do all of the following:

1307 (a) Address the parties present and determine that the admission or plea of no contest is  
1308 made voluntarily and with understanding of the nature of the facts alleged in the petition,  
1309 the nature of the potential outcomes and possible dispositions by the Court and the nature  
1310 of the legal consequences of that disposition;

1311 (b) Establish whether any promises or threats were made to elicit the admission or plea of  
1312 no contest; and

1313 (c) Make inquiries to establish to the satisfaction of the Court that there is a factual basis  
1314 for the admission or plea of no contest.

1315 708.29-67. If the petition is not contested and if the Court accepts the admission or plea of no  
1316 contest, the Court may immediately proceed to a dispositional hearing unless an adjournment is  
1317 requested.

1318 708.29-78. If the petition is contested or if the Court does not accept the admission or plea of no  
1319 contest, the Court shall set a date for a fact-finding hearing which allows reasonable time for the  
1320 parties to prepare but is not more than sixty (60) days after the plea hearing, unless the Court enters  
1321 an order finding good cause to go outside the time limits.

1322 (a) If the petition is contested, the Court shall order the Department to file with the Court  
1323 a report containing as much information relating to the appointment of a guardian as is  
1324 reasonably ascertainable, including an assessment of the conditions for guardianship  
1325 specified in section 708.29-1(a)-(f). ~~The~~Upon filing with the Court and at least seven (7)  
1326 days prior to the hearing, the Department shall file its report with the Court prior to the  
1327 fact-finding hearing and shall provide the parent, guardian, legal custodian, proposed  
1328 guardian, and any other parties with a written copy of the report at least three (3) business  
1329 days prior to the hearing by first-class mail.

1330 708.29-89. *Fact Finding Hearing for Guardianship.* The Court shall hold a fact-finding hearing  
1331 on the petition at which any party may present evidence relevant to the issue of whether the  
1332 conditions for guardianship have been met. If the Court, at the conclusion of the fact-finding  
1333 hearing, finds by clear and convincing evidence that the conditions for guardianship specified in  
1334 section 708.29-1(a)-(f) have been met, the Court shall immediately proceed to a dispositional  
1335 hearing unless an adjournment is requested.

1336 708.29-~~9~~10. *Dispositional Hearing for Guardianship.* The Court shall hold a dispositional  
 1337 hearing at which any party may present evidence, including expert testimony, relevant to the  
 1338 disposition. In determining the appropriate disposition for guardianship, the Court shall use the  
 1339 best interests of the child as the prevailing factor to be considered by the Court. In making a  
 1340 decision about the appropriate disposition, the Court shall consider any report submitted by the  
 1341 Department and shall consider, but not be limited to, all of the following:

- 1342 (a) Whether the person would be a suitable guardian of the child;
- 1343 (b) The willingness and ability of the person to serve as the child's guardian for an extended  
 1344 period of time or until the child reaches the age of eighteen (18) years; and
- 1345 (c) The wishes of the child, if the child has the capacity to express their wishes.

1346 708.29-~~10~~.~~Disposition~~11. *Dispositional Order for Guardianship.* After receiving any evidence  
 1347 relating to the disposition, the Court shall enter one of the following dispositions and issue a written  
 1348 decision consistent with the Oneida Judiciary Rules of Civil Procedure:

- 1349 (a) A disposition dismissing the petition if the Court determines that appointment of the  
 1350 person as the child's guardian is not in the best interests of the child; or
- 1351 (b) A disposition ordering that the proposed guardian be appointed as the child's guardian  
 1352 if the Court determines that such an appointment is in the best interests of the child.

1353 708.29-~~11~~12. If the Court appoints a guardian for the child, the Court may dismiss the  
 1354 dispositional order finding that the child is in need of protection or services.

1355

### 1356 **708.30. Revisions of Guardianship Order**

1357 708.30-1. Any person authorized to file a guardianship petition or the Court, on its own motion  
 1358 may request a revision in a guardianship order.

1359 708.30-2. The motion or Court proposal shall set forth in detail the nature of the proposed revision,  
 1360 shall allege facts sufficient to show that there has been a substantial change in circumstances since  
 1361 the last order affecting the guardianship was entered and that the proposed revision would be in  
 1362 the best interests of the child and shall allege any other information that affects the advisability of  
 1363 the Court's disposition. The motion for the revision shall be filed with the Court ~~with notice and,~~  
 1364 upon filing, a written copy shall be provided by the to all parties pursuant to the Oneida Judiciary  
 1365 Rules of Civil Procedure. by first-class mail.

- 1366 ~~(a)~~ (a) The Court may order the Department to file with the Court a report containing  
 1367 as much information relating to the revision of the guardianship as is reasonably  
 1368 ascertainable. ~~The~~ Upon filing with the Court and at least seven (7) days prior to the  
 1369 revision hearing, the Department shall file its report with the Court prior to the hearing on  
 1370 the revision of guardianship and shall provide the parties with a written copy of the report  
 1371 at least three (3) business days prior to the hearing by first-class mail.

1372 708.30-3. The Court shall hold a hearing on the matter prior to any revision of the guardianship  
 1373 order if the motion or Court proposal indicates that new information is available which affects the  
 1374 advisability of the Court's guardianship order, unless the parties file a signed stipulation and the  
 1375 Court approves.

1376

### 1377 **708.31. Termination of Guardianship**

1378 708.31-1. A guardianship under this law shall continue until any of the following are met,  
 1379 whichever occurs earlier:

- 1380 (a) The date on which the child attains eighteen (18) years of age;

1381 (b) The date on which the child is granted a high school or high school equivalency  
1382 diploma or the date on which the child reaches nineteen (19) years of age, whichever occurs  
1383 first, if the child is a full-time student at a secondary school or its vocational or technical  
1384 equivalent and is reasonably expected to complete the program before reaching nineteen  
1385 (19) years of age; or

1386 (c) The date on which the Court terminates the guardianship order.

1387 708.31-2. A parent of the child may request that a guardianship order be terminated. The request  
1388 shall allege facts sufficient to show that there has been a substantial change in circumstances since  
1389 the last order affecting the guardianship was entered, that the parent is willing and able to carry  
1390 out the duties of a guardian and that the proposed termination of guardianship would be in the best  
1391 interests of the child. The Court shall hold a hearing on the matter unless the parties file a signed  
1392 stipulation and the Court approves.

1393 (a) The Court may order the Department to file with the Court a report containing as much  
1394 information relating to the termination of the guardianship as is reasonably ascertainable,  
1395 including a re-assessment of the conditions for guardianship specified in section 708.29-  
1396 1(a)-(f). ~~The~~ Upon filing with the Court and at least seven (7) days prior to the termination  
1397 hearing, the Department shall ~~file its report with the Court prior to the hearing on the~~  
1398 ~~termination of guardianship and shall~~ provide the parties with a written copy of the report  
1399 ~~at least three (3) business days prior to the hearing~~ by first-class mail.

1400 708.31-3. Any person authorized to file a petition ~~under~~ for guardianship may request that ~~an~~  
1401 appointed guardian be removed for cause or the Court may, on its own motion, propose such a  
1402 removal. The request or Court proposal shall allege facts sufficient to show that the guardian is or  
1403 has been neglecting, is or has been refusing, or is or has been unable to discharge the guardian's  
1404 trust and may allege facts relating to any other information that affects the advisability of the  
1405 Court's disposition. The Court shall hold a hearing on the matter.

1406 708.31-4. A guardian appointed under this law may resign at any time if the resignation is accepted  
1407 by the Court.

1408

1409 **708.32. Suspension or Termination of Parental Rights**

1410 ~~708.32-1.~~ 708.32-1. It is the philosophy of the Nation that children deserve a sense of permanency  
 1411 and belonging throughout their lives and at the same time they deserve to have knowledge about  
 1412 their unique cultural heritage including their tribal customs, history, language, religion and values.

1413 708.32-2. It is the philosophy of the Nation that a united and complete family unit is of the utmost  
 1414 value to the community and the individual family members, and that the parent-child relationship  
 1415 is of such vital importance that it should be suspended or terminated only as a last resort when all  
 1416 efforts have failed to avoid suspension or termination and it is in the best interests of the child  
 1417 concerned to proceed with the suspension or termination of parental rights.

1418 708.32-3. ~~708.32-2~~ *Suspension of Parental Rights.* The suspension of parental rights is the  
 1419 permanent suspension of the rights of biological parents to provide for the care, custody, and  
 1420 control of their child.

1421 708.32-4. *Termination of Parental Rights.* The termination of parental rights means that all rights,  
 1422 powers, privileges, immunities, duties and obligations existing between biological parent and child  
 1423 are permanently severed.

1424 708.32-5. The Court may suspend or terminate a parent's rights on a voluntary or involuntary  
 1425 basis.

1426 708.32-6. ~~708.32-3.~~ An order suspending or terminating parental rights permanently severs all  
 1427 legal rights and duties between the parent whose parental rights are suspended or terminated and  
 1428 the child.

1429 ~~(a) An order terminating parental rights does not affect a child's relationship with the~~  
 1430 ~~child's extended biological family unless the Court expressly finds that it is in the child's~~  
 1431 ~~best interest to terminate the child's relationship with his or her extended biological family.~~

1432 708.32-47. The suspension or termination of parental rights shall not adversely affect the child's  
 1433 rights and privileges as a member of the Nation, nor as a member of any tribe to which the child  
 1434 is entitled to membership, nor shall it affect the child's enrollment status with the Nation, nor shall  
 1435 it interfere with the child's cultural level and traditional and spiritual growth as a member of the  
 1436 Nation.

1437

1438 **708.33. Voluntary Suspension or Termination of Parental Rights**

1439 708.33-1. The Court may suspend or terminate the parental rights of a parent after the parent has  
 1440 given his or her consent. When such voluntary consent is given and the Department has submitted  
 1441 a court report pursuant to section 708.38, the Court may proceed immediately to a dispositional  
 1442 hearing.

1443 708.33-2. The Court may accept a voluntary consent to suspension or termination of parental  
 1444 rights only if the parent appears personally at the hearing and gives his or her consent to the  
 1445 suspension or termination of his or her parental rights. The Court may accept the consent only after  
 1446 the judge has explained the effect of suspension or termination of parental rights and has  
 1447 questioned the parent, and/or has permitted counsel who represents any of the parties to question  
 1448 the parent, and is satisfied that the consent is informed and voluntary. If the Court finds that it  
 1449 would be difficult or impossible for the parent to appear in person at the hearing, the Court may  
 1450 allow the parent to appear by telephone or live audiovisual means.

1451 708.33-3. If in any proceeding to suspend or terminate parental rights voluntarily any party has  
 1452 reason to doubt the capacity of a parent to give informed and voluntary consent to the suspension  
 1453 or termination, he or she shall so inform the Court. The Court shall then inquire into the capacity  
 1454 of that parent in any appropriate way and shall make a finding as to whether or not the parent is



1455 capable of giving informed and voluntary consent to the suspension or termination. If in the  
1456 Court's discretion a person is found incapable of knowingly and voluntarily consenting to the  
1457 suspension or termination of their parental rights, the Court shall dismiss the voluntary proceedings  
1458 without prejudice. That dismissal shall not preclude an involuntary suspension or termination of  
1459 the parent's rights.

1460 708.33-4. A parent who has executed a consent under this section may withdraw the consent for  
1461 any reason at any time prior to the entry of a final order suspending or terminating parental rights.

1462 708.33-5. Any consent given under this section prior to or within ten (10) days after the birth of  
1463 the child is not valid.

1464 708.33-6. The parties, and the placement provider or adoptive resource, may agree to attend  
1465 peacemaking to establish an agreement regarding post-voluntary suspension or termination of  
1466 parental rights contact with a birth parent, birth sibling, or other birth relative of the child.

1467 (a) Any party to a post-voluntary suspension or termination contact agreement or the  
1468 child who is the subject of the proceedings may petition the Court that approved the  
1469 agreement to compel any person who is bound by the agreement to comply with the  
1470 agreement. The petition shall allege facts sufficient to show that a person who is bound  
1471 by the agreement is not in compliance with the agreement and that the petitioner, before  
1472 filing the petition, attempted in good faith to resolve the dispute giving rise to the filing  
1473 of the petition. The petition may also allege facts showing that the noncompliance with  
1474 the agreement is not in the best interests of the child.

1475 (b) After receiving a petition for action regarding a post-voluntary suspension or  
1476 termination contact agreement the Court shall set a date and time for a hearing on the  
1477 petition and shall provide notice of the hearing to all parties to the agreement and may  
1478 reappoint a guardian ad litem for the child.

1479 (c) If the Court finds, after hearing, that any person bound by the agreement is not in  
1480 compliance with the agreement and that the petitioner, before filing the petition,  
1481 attempted in good faith to resolve the dispute giving rise to the filing of the petition,  
1482 the Court shall issue an order requiring the person to comply with the agreement and  
1483 may find a party in contempt.

1484 (d) The Court may not revoke a suspension or termination of parental rights order or  
1485 an order of adoption because an adoptive parent or other custodian of the child or a  
1486 birth parent, birth sibling, or other birth relative of the child fails to comply with a post-  
1487 voluntary suspension or termination contact agreement; however, the parties may  
1488 return to peacemaking to revise the agreement, or the Court may amend an order if it  
1489 finds an amendment to the order is in the best interests of the child.

1490

### 1491 **708.34. Grounds for Involuntary Suspension or Termination of Parental Rights**

1492 708.34-1. Grounds for suspension or termination of parental rights shall be any of the following:

1493 (a) *Abandonment*. Abandonment occurs when a parent either deserts a child without any  
1494 regard for the child's physical health, safety or welfare and with the intention of wholly  
1495 abandoning the child, or in some instances, fails to provide necessary care for their child.

1496 (1) Abandonment shall be established by proving any of the following:

1497 (A) That the child has been left without provision for the child's care or  
1498 support, the petitioner has investigated the circumstances surrounding the  
1499 matter and for sixty (60) consecutive days the petitioner has been unable to  
1500 find either parent;

- 1501 (B) That the child has been left by the parent without provision for the  
1502 child's care or support in a place or manner that exposes the child to  
1503 substantial risk of great bodily harm or death;
- 1504 (C) That a court of competent jurisdiction has found any of the  
1505 following:
- 1506 (i) That a child has been abandoned under Wis. Stat. 48.13 (2) or  
1507 under a law of any other state or a federal law that is comparable to  
1508 the state law;
- 1509 (ii) That the child was abandoned when the child was under one (1)  
1510 year of age or has found that the parent abandoned the child when  
1511 the child was under one (1) year of age in violation of Wis. Stat.  
1512 948.20 or in violation of the law of any other state or federal law, if  
1513 that violation would be a violation of abandonment of a child under  
1514 Wis. Stat. 948.20 if committed in this state;
- 1515 (D) That the child has been placed, or continued in a placement, outside the  
1516 parent's home by a Court order containing the required notice and the parent  
1517 has failed to visit or communicate with the child for a period of three (3)  
1518 months or longer; or
- 1519 (E) The child has been left by the parent with any person, the parent knows  
1520 or could discover the whereabouts of the child and the parent has failed to  
1521 visit or communicate with the child for a period of six (6) consecutive  
1522 months or longer.
- 1523 (2) Incidental contact between parent and child shall not preclude the Court from  
1524 finding that the parent has failed to visit or communicate with the child. The time  
1525 periods under sections 708.34-1(a)(1)(D) and 708.34-1(a)(1)(E) shall not include  
1526 any periods during which the parent has been prohibited by Court order from  
1527 visiting or communicating with the child.
- 1528 (3) Abandonment is not established under sections 708.34-1(a)(1)(D) and 708.34-  
1529 1(a)(1)(E) if the parent proves all of the following by clear and convincing  
1530 evidence:
- 1531 (A) That the parent had good cause for having failed to visit with the child  
1532 throughout the three (3) or six (6) month time period alleged in the petition.
- 1533 (B) That the parent had good cause for having failed to communicate with  
1534 the child throughout the three (3) or six (6) month time period alleged in the  
1535 petition.
- 1536 (C) If the parent proves good cause under section 708.34-1(a)(3)(B),  
1537 including good cause based on evidence that the child's age or condition  
1538 would have rendered any communication with the child meaningless, that  
1539 one (1) of the following occurred:
- 1540 (i) The parent communicated about the child with the person or  
1541 persons who had physical custody of the child during the three (3) or  
1542 six (6) month time period alleged in the petition, whichever is  
1543 applicable, or, with the Department during the three (3) month time  
1544 period alleged in the petition.
- 1545 (ii) The parent had good cause for having failed to communicate about  
1546 the child with the person or persons who had physical custody of the

1547 child or the Department throughout the three (3) or six (6) month time  
1548 period alleged in the petition.

1549 (b) *Relinquishment*. Relinquishment occurs when a parent gives up or abandons their child  
1550 and all rights to their child. Relinquishment shall be established by proving that a court of  
1551 competent jurisdiction has found that the parent has relinquished custody of the child when  
1552 the child was seventy-two (72) hours old or younger.

1553 (c) *Continuing Need of Protection or Services*. Continuing need of protection or services  
1554 shall be established by proving any of the following:

1555 (1) That the child has been found to be in need of protection or services and placed,  
1556 or continued in a placement, outside his or her home pursuant to one (1) or more  
1557 dispositional orders containing the notice required by section 708.22-~~78~~;

1558 (2) That the Department has made a reasonable effort to provide the services  
1559 ordered by the Court;

1560 (3) That the child has been outside the home for a cumulative total period of six (6)  
1561 months or longer pursuant to such orders; and that the parent has failed to meet the  
1562 conditions established for the safe return of the child to the home and, if the child  
1563 has been placed outside the home for less than fifteen (15) of the most recent  
1564 twenty-two (22) months, that there is a substantial likelihood that the parent will  
1565 not meet these conditions within the nine (9) months as of the date on which the child  
1566 will have been placed outside the home for fifteen (15) of the most recent twenty-  
1567 two (22) months, not including any period following the termination of parental  
1568 rights fact-finding hearing during which the child was a runaway from the out-of-  
1569 home placement or was residing in a trial reunification home.

1570 (d) *Continuing Parental Disability*. Continuing parental disability shall be established by  
1571 proving that:

1572 (1) The parent is presently, and for a cumulative total period of at least two (2)  
1573 years within the five (5) years immediately prior to the filing of the petition has  
1574 been, an inpatient at one (1) or more hospitals as defined in either the Nation's laws  
1575 or state law;

1576 (2) The condition of the parent is likely to continue indefinitely; and

1577 (3) The child is not being provided with adequate care by a relative who has legal  
1578 custody of the child, or by a parent or a guardian.

1579 (e) *Continuing Denial of Periods of Physical Placement or Visitation*. Continuing denial  
1580 of periods of physical placement or visitation shall be established by proving all of the  
1581 following:

1582 (1) The parent has been denied periods of physical placement by Court order in an  
1583 action affecting the family or has been denied visitation under a dispositional order  
1584 containing the notice required by section 708.~~20-722-8~~, Wis. Stat. 48.356-~~(2)~~,(2),  
1585 or Wis. Stat. 938.356 (2); and

1586 (2) A Court order has denied the parent periods of physical placement or visitation  
1587 for at least one (1) year.

1588 (f) *Child Abuse*. Child abuse shall be established by proving that the parent has committed  
1589 child abuse against the child who is the subject of the petition and proving either of the  
1590 following:

1591 (1) That the parent has caused death or injury to a child resulting in a felony  
1592 conviction; or

- 1593 (2) That a child has previously been removed from the parent's home pursuant to a  
1594 dispositional order after an adjudication that the child is in need of protection or  
1595 services.
- 1596 (g) *Failure to Assume Parental Responsibility.* Failure to assume parental responsibility  
1597 shall be established by proving that the parent or the person(s) who may be the parent of  
1598 the child have not had a substantial parental relationship with the child.
- 1599 (1) In evaluating whether the person has had a substantial parental relationship with  
1600 the child, the Court may consider such factors, including, but not limited to, the  
1601 following:
- 1602 (A) Whether the person has expressed concern for or interest in the support,  
1603 care or well-being of the child;
- 1604 (B) Whether the person has neglected or refused to provide care or support for  
1605 the child; and
- 1606 (C) Whether, with respect to a person who is or may be the father of the child,  
1607 the person has expressed concern for or interest in the support, care or well-  
1608 being of the mother during her pregnancy.
- 1609 (h) *Incestuous Parenthood.* Incestuous parenthood shall be established by proving that the  
1610 person whose parental rights are sought to be terminated is also related, either by blood or  
1611 adoption, to the child's other parent in a degree of kinship closer than 2nd cousin.
- 1612 (i) *Homicide or Solicitation to Commit Homicide of a Parent.* Homicide or solicitation to  
1613 commit homicide of a parent, which shall be established by proving that a parent of the  
1614 child has been a victim of first-degree intentional homicide, first-degree reckless homicide  
1615 or 2nd-degree intentional homicide or a crime under federal law or the law of any other  
1616 state that is comparable to any of those crimes, or has been the intended victim of a  
1617 solicitation to commit first-degree intentional homicide or a crime under federal law or the  
1618 law of any other state that is comparable to that crime, and that the person whose parental  
1619 rights are sought to be terminated has been convicted of that intentional or reckless  
1620 homicide, solicitation or crime as evidenced by a final judgment of conviction.
- 1621 (j) *Parenthood as a Result of Sexual Assault.*
- 1622 (1) Parenthood as a result of sexual assault shall be established by proving that the  
1623 child was conceived as a result of one of the following:
- 1624 (A) First degree sexual assault [under Wis. Stats. 940.225(1)];
- 1625 (B) Second degree sexual assault [under Wis. Stat. 940.225 (2)];
- 1626 (C) Third degree sexual assault [under Wis. Stat. 940.225(3)];
- 1627 (D) First degree sexual assault of a child [under Wis. Stat. 948.02(1)];
- 1628 (E) Second degree sexual assault of a child [under Wis. Stat. 948.02 (2)];
- 1629 (F) Engaging in repeated acts of sexual assault of the same child [under Wis.  
1630 Stat. 948.025]; or
- 1631 (G) Sexual assault of a child placed in substitute care [under Wis. Stat.  
1632 948.085].
- 1633 (2) Conception as a result of sexual assault may be proved by a final judgment of  
1634 conviction or other evidence produced at a suspension or termination of parental  
1635 rights fact-finding hearing indicating that the person who may be the parent of the  
1636 child committed, during a possible time of conception, a sexual assault as specified  
1637 in this section against the other parent of the child.

1638 (3) If the conviction or other evidence indicates that the child was conceived as a  
 1639 result of a sexual assault in violation of Wis. Stat. 948.02 (1) or (2) or 948.085, the  
 1640 parent of the child may be heard on his or her desire for the suspension or  
 1641 termination of the other parent's parental rights.

1642 (k) *Commission of a Felony Against a Child.*

1643 (1) Commission of a serious felony against the child, shall be established by  
 1644 proving that the child was the victim of a serious felony and parent was convicted  
 1645 of that serious felony.

1646 ~~(2) Commission of a violation of trafficking of a child under Wis. Stat. 948.051~~  
 1647 ~~involving any child or a violation of the law of any other state or federal law, if that~~  
 1648 ~~violation would be a violation of Wis. Stat. 948.051 involving any child if~~  
 1649 ~~committed in this state.~~

1650 ~~(3)~~(2) In this subsection, "serious felony" means any of the following:

1651 (A) The commission of, the aiding or abetting of, or the solicitation,  
 1652 conspiracy or attempt to commit, a violation of any of the following:

- 1653 (i) First degree intentional homicide [under Wis. Stat. 940.01];
- 1654 (ii) First degree reckless homicide [under Wis. Stat. 940.02];
- 1655 (iii) Felony murder [under Wis. Stat. 940.03];
- 1656 (iv) Second-degree intentional homicide [under Wis. Stat. 940.05]; or
- 1657 (v) A violation of the law of any other state or federal law, if that
- 1658 violation would be a violation of the above-mentioned felonies if
- 1659 committed in Wisconsin.

1660 (B) The commission of a violation of any of the following:

- 1661 (i) Battery, substantial battery, aggravated battery [under Wis. Stat.
- 1662 940.19 (3), 1708 stats., or Wis. Stats. 940.19 (2), (4) or (5)];
- 1663 (ii) Sexual assault [under Wis. Stat. 940.225 (1) or (2)];
- 1664 (iii) Sexual assault of a child [under Wis. Stat. 948.02 (1) or (2)];
- 1665 (iv) Engaging in repeated acts of sexual assault of the same child [under
- 1666 Wis. Stat. 948.025];
- 1667 (v) Physical abuse of a child [under Wis. Stats. 948.03 (2) (a), (3) (a),
- 1668 or (5) (a) 1., 2., or 3.];
- 1669 (vi) Sexual ~~exploration~~exploitation of a child [under Wis. Stat. 948.05];
- 1670 (vii) Trafficking of a child [under Wis. Stat. 948.051];
- 1671 (viii) Incest with a child [under Wis. Stat. 948.06];
- 1672 (ix) Soliciting a child for prostitution [under Wis. Stat. 948.08];
- 1673 (x), Human trafficking [under Wis. Stat. 940.302 (2) if Wis. Stat.
- 1674 940.302 (2) (a) 1. b. applies]; or
- 1675 (xi) A violation of the law of any other state or federal law, if that
- 1676 violation would be a violation listed under the above listed felonies if
- 1677 committed in Wisconsin.

1678 (C) The commission of a violation of neglecting a child under Wis. Stat.  
 1679 948.21 or a violation of the law of any other state or federal law, if that  
 1680 violation would be a violation of Wis. Stat. 948.21 if committed in this state,  
 1681 that resulted in the death of the victim.

1682 (1) *Prior Involuntary Suspension or Termination of Parental Rights of Another Child.*  
1683 Prior involuntary suspension or termination of parental rights to another child shall be  
1684 established by proving all of the following:

1685 (1) That the child who is the subject of the petition is in need of protection or  
1686 services under section 708.5-2(b), (d), or (k); or that the child who is the subject of  
1687 the petition was born after the filing of a petition under this subsection whose  
1688 subject is a sibling of the child; and

1689 (2) That, within three (3) years prior to the date the Court determined the child to  
1690 be in need of protection or services as specified in section 708.34-1 (l) (1) or, in the  
1691 case of a child born after the filing of a petition as specified in section 708.34-1 (l)  
1692 (1), within three (3) years prior to the date of birth of the child, a Court has ordered  
1693 the suspension or termination of parental rights with respect to another child of the  
1694 person whose parental rights are sought to be suspended or terminated on one or  
1695 more of the grounds specified in this section.

1696  
1697 **708.35. Petition for Suspension or Termination of Parental Rights**

1698 708.35-1. *Who May File a Petition for Suspension or Termination of Parental Rights.* A petition  
1699 for the suspension or termination of parental rights shall be filed by the:

- 1700 (a) Nation's Child Welfare attorney, ~~the~~;  
1701 (b) Department,; or ~~the~~  
1702 (c) child's parent in the case of a step-parent adoption.

1703 708.35-2. A petition for the suspension or termination of parental rights ~~may~~shall be filed when  
1704 the child has been placed outside of his or her home for fifteen (15) of the most recent twenty-two  
1705 (22) months or if grounds exist for suspension or termination of parental rights unless any of the  
1706 following applies:

- 1707 (a) The child is being cared for by a fit and willing relative of the child;  
1708 (b) The child's permanency plan indicates and provides documentation that suspension or  
1709 termination of parental rights to the child is not in the best interests of the child;  
1710 (c) The Department, if required by a dispositional order, failed to make reasonable efforts  
1711 to make it possible for the child to return safely to his or her home, ~~or~~ did not provide or  
1712 refer services to the family of the child for the safe return of the child to his or her home  
1713 that were consistent with the ~~time period in the child's~~ permanency plan; or  
1714 (d) Grounds for an involuntary suspension or termination of parental rights do not exist.

1715 708.35-3. A petition for the suspension or termination of parental rights shall include the following  
1716 information:

- 1717 (a) The name, birth date, address, and tribal affiliation of the child;  
1718 (b) The names, birth dates, addresses, and tribal affiliation of the child's parents;  
1719 (c) A Uniform Child Custody Jurisdiction and Enforcement Act affidavit; and  
1720 (d) One (1) of the following:  
1721 (1) A statement that consent will be given to voluntary suspension or termination  
1722 of parental rights as provided in section 708.33; or  
1723 (2) A statement of the grounds for involuntary suspension or termination of  
1724 parental rights under section 708.34 and a statement of the facts and circumstances  
1725 which the petitioner alleges establish these grounds.

1726 708.35-4. *Temporary Order and Injunction Prohibiting Contact.* If the petition includes a  
1727 statement of the grounds for involuntary suspension or termination of parental rights, the petitioner

1728 may, at the time the petition is filed, also petition the Court for a temporary order and an injunction  
 1729 prohibiting the person whose parental rights are sought to be suspended or terminated from visiting  
 1730 or contacting the child who is the subject of the petition. Any petition under this section shall  
 1731 allege facts sufficient to show that prohibiting visitation or contact would be in the best interests  
 1732 of the child.

1733 (a) The Court may grant an injunction prohibiting the respondent from visiting or  
 1734 contacting the child if the Court determines that the prohibition would be in the best  
 1735 interests of the child. An injunction under this subsection is effective according to its terms  
 1736 but may not remain in effect beyond the date the Court dismisses the petition for suspension  
 1737 or termination of parental rights or issues an order suspending or terminating parental  
 1738 rights.

1739 708.35-5. ~~The~~ Upon filing with the Court and at least seven (7) days prior to the initial hearing,  
 1740 the petitioner shall ~~ensure~~serve the summons and petition ~~are served~~ upon the following persons  
 1741 ~~pursuant to the Oneida Judiciary Rules of Civil Procedure~~ by personal service or, if personal service  
 1742 is not possible, by certified mail, return receipt requested:

1743 ~~(a)~~ (a) The parent(s) of the child, including an alleged father if paternity has not been  
 1744 established; and

1745 ~~(b)~~ (b) The child's foster parent, guardian or legal custodian, if applicable. If the  
 1746 address has been marked confidential by the Court, the Court shall send a copy of the  
 1747 summons and petition to the home in which the child is placed via first-class U.S. mail;  
 1748 and.

1749 ~~(c) The Nation's Child Welfare attorney and the Department, if the petition is filed by~~  
 1750 ~~anyone other than the Nation's Child Welfare attorney or the Department.~~

1751  
 1752 **708.36. Initial Hearing on the Suspension or Termination of Parental Rights Petition**

1753 708.36-1. The initial hearing on the petition to suspend or terminate parental rights shall be held  
 1754 within forty-five (45) days after the petition is filed. At the hearing the Court shall determine  
 1755 whether any party wishes to contest the petition and inform the parties of their rights.

1756 708.36-2. If the petition is contested, the Court shall set a date for a fact-finding hearing to be held  
 1757 within sixty (60) days after the hearing on the petition, unless the Court enters an order finding  
 1758 good cause to go outside the time limits.

1759 708.36-3. If the petition is not contested, the Court shall hear testimony in support of the  
 1760 allegations in the petition and may proceed immediately with a dispositional hearing if the parties  
 1761 agree. Before accepting an admission of the alleged facts in a petition, the Court shall:

1762 (a) Address the parties present and determine that the admission is made voluntarily with  
 1763 understanding of the nature of the acts alleged in the petition and the potential outcomes  
 1764 and possible dispositions by the Court;

1765 (b) Establish whether any promises or threats were made to elicit an admission; and

1766 (c) Make such inquiries to establish a factual basis for the admission.

1767  
 1768 **708.37. Fact Finding Hearing for a Suspension or Termination of Parental Rights**

1769 708.37-1. The fact-finding hearing is a hearing conducted by the Court to determine whether there  
 1770 is clear and convincing evidence to establish that grounds exist for the suspension or termination  
 1771 of parental rights.

1772 708.37-2. The fact-finding hearing shall be conducted according to the Oneida Judiciary Rules of  
 1773 Civil Procedure except that the Court may exclude the child from the hearing.

1774 708.37-3. If grounds for the suspension or termination of parental rights are found by the Court,  
1775 the Court shall find the parent(s) unfit. ~~A finding of unfitness shall not prevent a dismissal of a~~  
1776 suspension or termination of parental rights petition. ~~Unless the parties agree to proceed~~  
1777 immediately with the dispositional hearing and the Court accepts, the Court shall set a date for a  
1778 dispositional hearing no later than forty-five (45) days after the fact-finding hearing, unless the  
1779 Court enters an order finding good cause to go outside the time limits.

1780

### 1781 **708.38. Department's Suspension or Termination of Parental Rights Report**

1782 708.38-1. In any case that the Department is a party, the Department shall submit a written report  
1783 to the Court prior to any dispositional hearing, with a copy to the parties by first-class mail no later  
1784 than seven (7) days prior to the hearing, which shall contain all of the following:

- 1785 (a) The social history of the child and family, including any relevant medical conditions;  
1786 (b) A statement of the facts supporting the need for suspension or termination of parental  
1787 rights;  
1788 (c) If the child has been previously adjudicated to be in need of protection or services, a  
1789 statement of the steps the Department has taken to remedy the conditions responsible for  
1790 Court intervention and the parent's response to and cooperation with these services. ~~If the~~  
1791 child has been removed from the home, the report shall also include a statement of the  
1792 reasons why the child cannot be returned safely to the family and the steps the Department  
1793 has taken to effect this return;  
1794 (d) A statement applying the standards and factors identified in sections 708.39-2 and  
1795 708.39-3 regarding the case before the Court; and  
1796 (e) If the report recommends that the parental rights of both of the child's parents or the  
1797 child's only living or known parent are to be suspended or terminated, the report shall  
1798 contain a statement of the likelihood that the child will be adopted. ~~This statement shall~~  
1799 include a presentation of the factors that might prevent adoption, those that may facilitate  
1800 adoption, and the Department shall be responsible for accomplishing the adoption.  
1801 (1) If the Department determines that it is unlikely that the child will be adopted,  
1802 or if adoption would not be in the best interests of the child, the report shall include  
1803 a plan for placing the child in a permanent family setting. The plan shall include a  
1804 recommendation for the appointment of a guardian for the child.

1805 708.38-2. The Court may order a report as specified under this section to be prepared by the  
1806 Department in those cases where the Department is not a party.

1807

### 1808 **708.39. Standards and Factors**

1809 708.39-1. In making a decision about the appropriate disposition for suspension or termination of  
1810 parental rights, the Court shall consider the standards and factors enumerated in this section and  
1811 any report submitted by the Department.

1812 708.39-2. The best interests of the child shall be the prevailing standard considered by the Court  
1813 in determining the disposition of all suspension and termination of parental rights proceedings.

1814 708.39-3. In considering the best interests of the child the Court shall also consider, but not be  
1815 limited to, the following factors:

- 1816 (a) The likelihood of the child's adoption after suspension or termination;  
1817 (b) Whether the child will be raised in an environment that is respectful of the child's  
1818 race(s), culture(s), and heritage(s);



- 1819 (c) The age and health of the child, both at the time of the disposition and, if applicable, at  
 1820 the time the child was removed from the home;
- 1821 (d) Whether the child has substantial relationships with the parent or other family  
 1822 members, and whether it would be harmful to the child to sever these relationships;
- 1823 (e) The wishes of the child, if the child has the capacity to express their wishes;
- 1824 (f) The duration of the separation of the parent from the child; and
- 1825 (g) Whether the child will be able to enter into a more stable and permanent family  
 1826 relationship as a result of the suspension or termination, taking into account the conditions  
 1827 of the child's current placement, the likelihood of future placements and the results of prior  
 1828 placements.  
 1829

1830 **708.40. Dispositional Hearings for Suspension or Termination of Parental Rights**

1831 708.40-1. Any party may present evidence relevant to the issue of disposition, including expert  
 1832 testimony, and may make alternative dispositional recommendations to the Court. After receiving  
 1833 any evidence related to the disposition, the Court shall enter a disposition and issue a written  
 1834 decision consistent with the Oneida Judiciary Rules of Civil Procedure.

1835 (a) The Court shall give the foster parent or other legal custodian a right to be heard at the  
 1836 dispositional hearing by permitting the foster parent or other legal custodian to make a  
 1837 written or oral statement during the dispositional hearing, or to submit a written statement  
 1838 prior to disposition, relevant to the issue of disposition.

1839 708.40-2. The Court shall enter one (1) of the following dispositions:

1840 (a) The Court may dismiss the petition if it finds the evidence does not warrant the  
 1841 suspension or termination of parental rights or if the Court finds that a parent is attempting  
 1842 to voluntarily suspend or terminate their parental rights for the sole purpose of avoiding a  
 1843 child support obligation; or

1844 (b) The Court may enter an order suspending or terminating the parental rights of one or  
 1845 both parents.

1846 708.40-3. If the rights of both parents, or of the only living parent, are suspended or terminated  
 1847 and if a guardian has not been appointed, the Court shall do one (1) of the following while adhering  
 1848 to the placement preferences pursuant to section 708.11-1 when possible:

1849 (a) Transfer guardianship and custody of the child pending adoptive placement to:

1850 (1) A tribal or county department authorized to accept guardianship;

1851 (2) A child welfare agency licensed to accept guardianship;

1852 (3) The State of Wisconsin upon written confirmation from the State that they are  
 1853 willing to accept guardianship;

1854 (4) A relative with whom the child resides, if the relative has filed a petition to  
 1855 adopt the child or if the relative is a kinship care relative or is receiving payments  
 1856 for providing care and maintenance for the child; or

1857 (5) An individual who has been appointed guardian of the child by a court of a  
 1858 competent jurisdiction; or

1859 (b) Appoint a guardian and transfer guardianship and custody of the child to the guardian.

1860 708.40-4. The written Court order shall include the following:

1861 (a) If the Court dismisses the petition, the order shall contain the reasons for dismissal; or

1862 (b) If the disposition is for the suspension or termination of parental rights, the order shall  
 1863 contain all of the following:

- 1864 (1) The identity of any agency, department, or individual that has received  
 1865 guardianship of the child;  
 1866 (2) If an agency or department receives guardianship and custody of the child, an  
 1867 order ordering the child into the placement and care responsibility of the agency or  
 1868 department and assigning the agency or department primary responsibility for  
 1869 providing services to the child; and  
 1870 (3) A finding that the suspension or termination of parental rights is in the best  
 1871 interests of the child.

1872 ~~708.40-5. If an order is entered to terminate a parent's~~(c) If the disposition is for the  
 1873 suspension or termination of parental rights, the order may contain all of the following:

- 1874 (1) A termination of the right of the parent to have contact with the minor child  
 1875 including contact in person, by mail, by telephone, or through third parties;  
 1876 (2) Order restraining a parent from contacting the minor child, the child's foster  
 1877 parent, the child's adoptive parent and/or the social services agency or agencies  
 1878 possessing information regarding the child;  
 1879 (3) Order that the biological parents' obligation to pay child support, except for  
 1880 arrears, is hereby terminated; and  
 1881 (4) Order that any prior court order for custody, visitation, or contact, with the  
 1882 minor child is hereby terminated.

1883 708.40-5. The Court shall provide a copy of the order suspending or terminating parental rights  
 1884 to the child's parent, guardian, and legal custodian; the other parties to the action; and the current  
 1885 or future foster parents for the purpose of pursuing adoption.

1886 708.40-6. If an order is entered involuntarily suspending or terminating parental rights, the Court  
 1887 shall orally inform the parent(s) who appear in Court or place in the written order the ground(s)  
 1888 for suspension or termination of their parental rights specified in section 708.34-1(1), which  
 1889 provides that a prior involuntary suspension or termination of parental rights, under certain  
 1890 circumstances, is a ground for the suspension or termination of parental rights for another child.

1891 ~~708.40-67.~~ If the Court suspends or terminates parental rights, the Department, or the Court if the  
 1892 Department is not a party to the action, ~~shall~~may forward the following information to the State of  
 1893 Wisconsin:

- 1894 (a) The name, date of birth, and tribal affiliation of the child whose birth parent's rights  
 1895 have been suspended or terminated;  
 1896 (b) The names and current addresses of the child's birth parents, guardian and legal  
 1897 custodian; and  
 1898 (c) Any medical or genetic information received by the Department.

1899 ~~708.40-78.~~ If only one (1) parent consents ~~for~~to a voluntary suspension or termination of parental  
 1900 rights or if the grounds for involuntary suspension or termination of parental rights are found to  
 1901 exist as to only one (1) parent, the rights of only that parent may be suspended or terminated  
 1902 without affecting the rights of the other parent if the Court finds such suspension or termination to  
 1903 be in the best interest of the child.

#### 1904 **708.41. Adoption**

1905 708.41-1. Adoptions under this law shall take the form of customary adoptions ~~unless~~when the  
 1906 Court ~~determines there is good cause for~~has granted a petition to suspend parental rights. When  
 1907 the Court grants a petition to terminate parental rights the adoption ~~to~~shall be closed.  
 1908

1909 708.41-2. *Customary Adoptions*. The purpose of customary adoption is not to permanently deprive  
1910 the adopted child of connections to, or knowledge of, the adopted child's biological family, but to  
1911 provide the adopted child a permanent home. The following shall apply to all customary adoptions  
1912 and shall be contained in all adoptive orders and decrees:

1913 (a) The relationship between an adoptive parent and adoptiveadopted child shall have all  
1914 the same rights, responsibilities, and other legal consequences as the relationship between  
1915 a biological child and parent;

1916 (b) The adoptiveadopted child shall have an absolute right, absent a convincing and  
1917 compelling reason to the contrary, to information and knowledge about his or her biological  
1918 family and his or her Oneida heritage, if applicable. The adopted child may obtain adoption  
1919 information from files maintained by the Court or Department;

1920 (c) Adoption shall not prevent an adoptiveadopted child from inheriting from a biological  
1921 parent in the same manner as any other biological child. The biological parents shall not  
1922 be entitled to inherit from an adoptiveadopted child in the same manner as parents would  
1923 otherwise be entitled to inherit. An adoptiveadopted child shall be entitled to inherit from  
1924 adoptive parents, and vice versa, in the same manner as if biological parents and child;

1925 (d) Although parental rights have been terminatedsuspended, the biological parent may  
1926 retain certain residual parental rights when appropriate as determined by agreement  
1927 between the adoptive parent and biological parent made through peacemaking, or by order  
1928 of the Court. Such residual parental rights may include:

1929 (1) The right to communication;

1930 (2) The right to visitation;

1931 (3) The right or obligation to contribute to support or education;

1932 (4) The right to be consulted regarding the adopted child's religious affiliation,  
1933 major medical treatment, marriage, or other matters of major importance in the  
1934 child's life; and/or

1935 (5) Such other residual rights the Court may deem appropriate, considering the  
1936 circumstances.

1937 (e) Adoption does not extinguish the relationships between the adopted child and the  
1938 adopted child's extended biological family. -The adopted child's extended biological  
1939 family retains the right to reasonable communication and visitation with the adopted child,  
1940 subject to reasonable controls of the adoptive parents.

1941 708.41-3. *Closed Adoptions*. Closed adoptions occur in situations where an adopted child needs  
1942 a permanent home and it is necessary to sever all ties between the adopted child and his or her  
1943 biological family. The following shall apply to all closed adoptions:

1944 (a) The relationship between an adoptive parent and adoptiveadopted child shall have all  
1945 the same rights, responsibilities, and other legal consequences as the relationship between  
1946 a biological child and parent;

1947 (b) The relationship between the adopted child and all persons whose relationship to the  
1948 adopted child is derived through the biological parents shall be completely altered and all  
1949 the rights, duties, and other legal consequences of those relationships shall cease to exist;

1950 (c) The adopted child's biological family shall not be entitled to or have access to any  
1951 information regarding said child;

1952 (d) The adopted child shall be entitled to information and knowledge regarding his or her  
1953 culture and heritage; and

1954 (e) The adopted child shall be entitled to information regarding his or her biological family  
 1955 upon reaching the age of majority. The adopted child may obtain adoption information  
 1956 from files maintained by the Court or Department.  
 1957

### 1958 **708.42. Adoption Criteria and Eligibility**

1959 708.42-1. *Criteria for Adoption.* Any child who is subject to this law may be adopted if any of the  
 1960 following criteria are met:

- 1961 (a) Both of the child's parents are deceased;  
 1962 (b) The parental rights of both of the child's parents with respect to the child have been  
 1963 suspended or terminated;  
 1964 (c) The parental rights of one of the child's parents with respect to the child have been  
 1965 suspended or terminated and the child's other parent is deceased; or  
 1966 (d) The person filing the petition for adoption is the spouse of the child's parent and either  
 1967 of the following applies:  
 1968 (1) The child's other parent is deceased; or  
 1969 (2) The parental rights of the child's other parent with respect to the child have been  
 1970 suspended or terminated.

1971 708.42-2. *Eligibility.* The following persons are eligible to adopt a child who falls under the  
 1972 jurisdiction of this law pending the successful clearing of a background check:

- 1973 (a) A married adult couple;  
 1974 (b) Either spouse if the other spouse is a parent of the child; or  
 1975 (c) An unmarried adult.

1976 708.42-3. If the person proposing to adopt the child cannot successfully clear a background check,  
 1977 and any convictions the person may possess have not been pardoned, forgiven, reversed, set aside  
 1978 or vacated, the Court may still deem the person eligible to adopt if the Court determines by clear  
 1979 and convincing evidence that the adoption would be in the best interests of the child.  
 1980

### 1981 **708.43. Adoption Procedure**

1982 708.43-1. *Petition for Adoption.* A person proposing to adopt, or the Department, shall initiate a  
 1983 proceeding for the adoption of a child by filing a petition with the Court. The petition shall include  
 1984 the following information:

- 1985 (a) The name, birth date, address, and tribal affiliation of the petitioner;  
 1986 (b) The name, birth date, address, and tribal affiliation of the child;  
 1987 (c) The names, birth dates, addresses, and tribal affiliation of the child's biological parents;  
 1988 (d) The name by which the child shall be known if the petition is granted;  
 1989 (e) The relationship of the petitioner to the child; and  
 1990 (f) A copy of the order suspending or terminating parental rights of the child's biological  
 1991 parent(s).

1992 708.43-2. Upon the filing of a petition for adoption, the Court shall schedule a hearing within  
 1993 sixty (60) days. ~~Notice of the hearing shall be served on the parties pursuant to the Oneida~~  
 1994 ~~Judiciary Rules of Civil Procedure.~~

1995 708.43-3. When a petition for adoption is filed, the Court shall order an investigation to determine  
 1996 whether the child is a proper subject for adoption and whether the petitioner's home is suitable for  
 1997 the child. ~~The Court shall order one (1) of the following to conduct the investigation:~~

- 1998 (a) The Court shall order one (1) of the following to conduct the investigation:

1999 ~~(a)~~ (1) If the Department, or another agency or department, has guardianship  
 2000 of the child, the agency or department that has guardianship; or

2001 ~~(b)~~ (2) If no agency or department has guardianship of the child and a relative,  
 2002 including a stepparent, has filed the petition for adoption, the Department.

2003 (b) If the Court orders the Department to conduct the investigation, the Department may  
 2004 contract with a third-party agency to conduct the investigation.

2005 708.43-4. The Department or other agency or department making the investigation shall file its  
 2006 report with the Court prior to the hearing on the petition and shall provide ~~the parties with~~ a copy  
 2007 of the report to the parties by first-class mail at least ~~three (3) business~~ seven (7) days prior to the  
 2008 hearing.

2009 708.43-5. If the report of the investigation is unfavorable or if it discloses a situation which, in the  
 2010 opinion of the Court, raises a serious question as to the suitability of the proposed adoption, the  
 2011 Court may appoint a guardian ad litem for the child whose adoption is proposed.

2012 708.43-6. During the hearing the parties may agree to attend peacemaking to establish an  
 2013 agreement regarding residual rights of a birth parent, birth sibling, or other birth relative of the  
 2014 child.

2015 708.43-7. If after the hearing and a study of the report required by section 708.43-3 the Court is  
 2016 satisfied that the adoption is in the best interests of the child, the Court shall make an order granting  
 2017 the adoption. The order may change the name of the child to that requested by petitioners.

2018 708.43-8. After the order of adoption is entered the relation of parent and child and all the rights,  
 2019 duties and other legal consequences of the natural relation of child and parent thereafter exists  
 2020 between the adopted child and the adoptive parents. The relationship between the adopted child  
 2021 and biological parents shall be completely altered and all the rights, duties, and other legal  
 2022 consequences of those relationships shall cease to exist, excluding any residual rights granted to  
 2023 the biological parents and extended family through customary adoption. If the biological parent  
 2024 is the spouse of the adoptive parent, the relationship shall be completely altered and those rights,  
 2025 duties, and other legal consequences shall cease to exist only with respect to the biological parent  
 2026 who is not the spouse of the adoptive parent.

2027 708.43-9. ~~After~~ Within five (5) days after entry of the order granting ~~the a closed~~ adoption, the  
 2028 Department shall ~~promptly~~ mail a copy of the order to the State of Wisconsin Bureau of Vital  
 2029 Statistics and furnish any additional data needed for the issuance of a new birth certificate.

2030

#### 2031 **708.44. Non-Compliance with a Residual Rights Agreement**

2032 708.44-1. Any party to a residual rights agreement or the child who is the subject of the  
 2033 proceedings may petition the Court that approved the agreement to compel any person who is  
 2034 bound by the agreement to comply with the agreement. The petition shall allege facts sufficient to  
 2035 show that a person who is bound by the agreement is not in compliance with the agreement and  
 2036 that the petitioner, before filing the petition, attempted in good faith to resolve the dispute giving  
 2037 rise to the filing of the petition. The petition may also allege facts showing that the noncompliance  
 2038 with the agreement is not in the best interests of the child.

2039 708.44-2. After receiving a petition for action regarding a residual rights contact agreement the  
 2040 Court shall set a date and time for a hearing on the petition and shall provide notice of the hearing  
 2041 to all parties to the agreement and may reappoint a guardian ad litem for the child.

2042 708.44-3. If the Court finds, after hearing, that any person bound by the agreement is not in  
 2043 compliance with the agreement and that the petitioner, before filing the petition, attempted in good

2044 faith to resolve the dispute giving rise to the filing of the petition, the Court shall issue an order  
2045 requiring the person to comply with the agreement and may find a party in contempt.

2046 708.44-4. The Court may not revoke a suspension or termination of parental rights order or an  
2047 order of customary adoption because an adoptive parent or other custodian of the child or a birth  
2048 parent, birth sibling, or other birth relative of the child fails to comply with a residual rights  
2049 agreement; however, the parties may return to peacemaking to revise the agreement, or the Court  
2050 may amend an order if it finds an amendment to the order is in the best interests of the child.

2051

2052 **708.45. Peacemaking and Mediation**

2053 708.45-1. The Court may refer the parties to peacemaking or mediation if the parties agree to  
2054 attend peacemaking or mediation. The Court shall not refer the parties to peacemaking or  
2055 mediation if attending the session will cause undue hardship or would endanger the health or safety  
2056 of a party.

2057 708.45-2. When the parties attend peacemaking or mediation based on a referral from the Court,  
2058 the Court shall enter an order finding good cause to suspend the time limits established under this  
2059 law.

2060

2061 **708.46. Appeals**

2062 708.46-1. Appeals of all orders issued under this law shall be heard by the Nation's Court of  
2063 Appeals in accordance with the Rules of Appellate Procedure.

2064

2065 **708.47. Liability**

2066 708.47-1. No liability shall attach to the Department, Indian Child Welfare Worker, the Nation's  
2067 Child Welfare Attorney or any person acting under their authority for statements, acts or omissions  
2068 made in good faith while in the course of activities taken under this law.

2069

2070 *End.*

2071 Adopted – BC-07-26-17-J

2072 Amended – BC- - - -

**Title 7. Children, Elders and Family - Chapter 708****Latiksa'shúha Laotilihwa'ke***the children – their issues***CHILDREN'S CODE**

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1

**2 708.1. Purpose and Policy**

3 708.1-1. *Purpose.* The purpose of this law is to provide for the welfare, care, and protection of  
 4 Oneida children through the preservation of the family unit, while recognizing that in some  
 5 circumstances it may be in the child's best interest to not be reunited with his or her family.  
 6 Furthermore, this law strengthens family life by assisting parents in fulfilling their responsibilities  
 7 as well as facilitating the return of Oneida children to the jurisdiction of the Nation and  
 8 acknowledging the customs and traditions of the Nation when raising an Oneida child.

9 708.1-2. *Policy.* It is the policy of the Nation to ensure there is a standard process for conducting  
 10 judicial proceedings and other procedures in which children and all other interested parties are  
 11 provided fair hearings in addition to ensuring their legal rights are recognized and enforced, while  
 12 protecting the public safety.

13

**14 708.2. Adoption, Amendment, Repeal**

15 708.2-1. This law was adopted by the Oneida Business Committee by resolution BC-07-26-17-J,  
 16 and amended by resolution BC-\_\_-\_\_-\_\_-\_\_.

17 708.2-2. This law may be amended or repealed by the Oneida Business Committee and/or Oneida  
 18 General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

19 708.2-3. Should a provision of this law or the application thereof to any person or circumstances  
20 be held as invalid, such invalidity shall not affect other provisions of this law which are considered  
21 to have legal force without the invalid portions.

22 708.2-4. In the event of a conflict between a provision of this law and a provision of another law,  
23 the provisions of this law shall control. Provided that, this law repeals the following:

- 24 (a) Resolution # BC-09-25-81 *Oneida Child Protective Board Ordinance*;
- 25 (b) Resolution # BC-10-07-81-A *Appointing Members to the Oneida Child Protective*  
26 *Board*;
- 27 (c) Resolution # BC-05-24-84-C *Definition of Extended Family Member*;
- 28 (d) Resolution # BC-01-14-15-A *Amendment of Oneida Child Protective Board*  
29 *Ordinance*;
- 30 (e) Resolution # BC-05-13-15 *Indian Child Welfare Act Policy*; and
- 31 (f) Resolution # BC-12 -10-03-A *Oneida Child Protective Boards Stipends*.

32 708.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.  
33

### 34 **708.3. Definitions**

35 708.3-1. This section shall govern the definitions of words and phrases used within this law. All  
36 words not defined herein shall be used in their ordinary and everyday sense.

- 37 (a) “Abuse” means any of the following:
  - 38 (1) Physical injury inflicted on a child by other than accidental means;
  - 39 (2) Sexual assault;
  - 40 (3) Sexual exploitation of a child;
  - 41 (4) Prostitution or trafficking of a child;
  - 42 (5) Causing a child to view or listen to sexual activity or sexually explicit materials;
  - 43 (6) Exposing a child to the manufacture, sale, or use of controlled substances;
  - 44 and/or
  - 45 (7) Emotional damage for which the child’s parent, guardian, or legal custodian has  
46 neglected, refused, or been unable for reasons other than poverty to obtain the  
47 necessary treatment or take steps to address the issue.
- 48 (b) “Advocate” means a person who is a non-attorney presented to the Court as the  
49 representative or advisor to a party.
- 50 (c) “Alcohol and other drug abuse impairment” means a condition of a person which is  
51 exhibited by characteristics of habitual lack of self-control in the use of alcoholic beverages  
52 or controlled substances to the extent that the person’s health is substantially affected or  
53 endangered or the person’s social or economic functioning is substantially disrupted.
- 54 (d) “Attorney” means a person trained and licensed to represent another person in Court,  
55 to prepare documents and to give advice or counsel on matters of law.
- 56 (e) “Best interest of the child” means the interest of a child to:
  - 57 (1) Have a full, meaningful, and loving relationship with both parents and family  
58 as much as possible;
  - 59 (2) Be free from physical, sexual and emotional abuse;
  - 60 (3) Be raised in conditions that foster and encourage the happiness, security, safety,  
61 welfare, physical and mental health, and emotional development of the child;
  - 62 (4) Receive appropriate medical care;
  - 63 (5) Receive appropriate education;



- 64 (6) Be raised in conditions which maximize the chances of the child becoming a  
65 contributing member of society; and  
66 (7) Be raised in an environment that is respectful of the child’s race(s), culture(s),  
67 and heritage(s).
- 68 (f) “Business day” means Monday through Friday from 8:00 a.m. to 4:30 p.m., excluding  
69 holidays recognized by the Nation.
- 70 (g) “Child” means a person who is less than eighteen (18) years of age.
- 71 (h) “Clear and convincing evidence” means that a particular fact is substantially more  
72 likely than not to be true.
- 73 (i) “Counsel” means an attorney or advocate presented to the Court as the representative  
74 or advisor to a party.
- 75 (j) “Court” means the Oneida Nation Family Court, which is the branch of the Oneida  
76 Nation Judiciary that has the designated responsibility to oversee family matters.
- 77 (k) “Court of competent jurisdiction” means a state or tribal court that has jurisdiction and  
78 authority to do a certain act or hear a certain dispute.
- 79 (l) “Department” means the Oneida Nation Indian Child Welfare Department.
- 80 (m) “Disposition” means the Court’s final ruling or decision on a case or legal issue.
- 81 (n) “Dispositional hearing” means a hearing for the Court to make its final determination  
82 of a case or issue.
- 83 (o) “Emotional damage” means harm to a child’s psychological or intellectual  
84 functioning evidenced by one (1) or more of the following characteristics exhibited to a  
85 severe degree:
- 86 (1) anxiety;  
87 (2) depression;  
88 (3) withdrawal;  
89 (4) outward aggressive behavior; and/or  
90 (5) a substantial and observable change in behavior, emotional response, or  
91 cognition that is not within the normal range for the child’s age and stage of  
92 development.
- 93 (p) “Expert” means a person with special training, experience, or expertise in a field  
94 beyond the knowledge of an ordinary person.
- 95 (q) “Extended family” means a person who has reached the age of eighteen (18) and who  
96 is the child’s grandparent, aunt, uncle, brother, sister, brother-in-law, sister-in-law, niece,  
97 nephew, first, second, third or fourth cousin, or stepparent.
- 98 (r) “Fact-finding hearing” means a hearing for the Court to determine if the allegations in  
99 a petition under this law are proved by clear and convincing evidence.
- 100 (s) “Fictive kin” means any person or persons who, to the biological parents of the child  
101 at issue, have an emotional tie to that parent wherein they are like family.
- 102 (t) “Foster home” means any home which is licensed by the Department or applicable  
103 licensing agency and maintained by any individual(s) suitable for placement of children  
104 when taken into custody or pending court matters.
- 105 (u) “Good cause” means adequate or substantial grounds or reason to take a certain action,  
106 or to fail to take an action.
- 107 (v) “Group home” means any facility operated by a person required to be licensed by the  
108 Department and/or applicable licensing agency for the care and maintenance of five (5) to  
109 eight (8) children.

- 110 (w) “Guardian” means any person, agency or department appointed by the Court to care for  
111 and manage the child in a particular case before the Court. A guardian has the right to  
112 make major decisions affecting a child including education, religious and cultural  
113 upbringing, the right to consent to marriage, to enlistment in the armed forces, to major  
114 surgery and medical treatment and to adoption, or make recommendations as to adoption.
- 115 (x) “Guardian ad litem” means a person appointed by the Court to appear at any  
116 peacemaking, mediation, or hearing and tasked with representing the best interest of the  
117 person appointed for.
- 118 (y) “Holiday” means any holiday recognized by the Nation as identified in the Nation’s  
119 laws, rules and policies governing employment.
- 120 (z) “Imminent danger” means a risk of harm or injury that will occur immediately.
- 121 (aa) “Indian Child Welfare Worker” means a person employed by the Nation in the Indian  
122 Child Welfare Department tasked with the responsibility to carry out the duties, objectives  
123 and provisions of this law.
- 124 (bb) “Informal disposition” means a written agreement with all the parties describing the  
125 conditions and obligations that must be met to ensure the child is protected and to alleviate  
126 the condition that led to the referral to the Department. An informal disposition is utilized  
127 by the Department when the Department determines that the interest of the child does not  
128 require a formal Court intervention to provide protection and services to the child.
- 129 (cc) “Legal custodian” means any person other than a parent or guardian to whom legal  
130 custody of a child has been granted by court order and has the rights and responsibilities  
131 for the following:
- 132 (1) To have physical custody of the child as determined by the Court, if physical  
133 custody is not with the person having legal custody;
  - 134 (2) To protect, educate and discipline the child so long as it is in the child’s best  
135 interest; and
  - 136 (3) To provide the child with adequate food, shelter, education, ordinary medical  
137 care and other basic needs, according to court order. In an emergency situation, a  
138 custodian shall have the authority to consent to surgery as well as any other  
139 emergency medical care needs.
- 140 (dd) “Mediation” means a method of dispute resolution that involves a neutral third party  
141 who tries to help disputing parties reach an agreement.
- 142 (ee) “Nation” means the Oneida Nation.
- 143 (ff) “Neglect” means failure, refusal, or inability on the part of a caregiver, for reasons  
144 other than poverty, to provide necessary care, food, clothing, medical or dental care, or  
145 shelter so as to seriously endanger the physical health of the child.
- 146 (gg) “Parent” means the biological or adoptive parent of a child.
- 147 (hh) “Parties” means the parent(s), guardian(s), and legal custodian(s) of the child who  
148 is the subject of the proceedings; the Department, in cases where they are the petitioner; a  
149 guardian ad litem, if one has been appointed by the Court; and anyone else permitted to  
150 file a petition under this law.
- 151 (ii) “Peacemaking” means a method of dispute resolution that is based on traditional  
152 methods of resolving disputes and addresses the needs of rebuilding relationships between  
153 people.

- 154 (jj) “Permanency Plan” means a plan designed to ensure that a child is reunified with his  
155 or her family whenever appropriate, or that the child quickly attains a placement or home  
156 providing long-term stability.
- 157 (kk) “Physical injury” includes, but is not limited to, any of the following:  
158 (1) lacerations;  
159 (2) fractured bones;  
160 (3) burns;  
161 (4) internal injuries;  
162 (5) severe or frequent bruising;  
163 (6) bodily injury which creates a substantial risk of death;  
164 (7) bodily injury which causes serious permanent disfigurement;  
165 (8) bodily injury which causes a permanent or protracted loss or impairment of the  
166 function of any bodily member or organ; or  
167 (9) any other serious bodily injury.
- 168 (ll) “Plea hearing” means a hearing to determine whether any party wishes to contest a  
169 petition filed under this law.
- 170 (mm) “Probable cause” means there are sufficient facts and circumstances that would lead  
171 a reasonable person to believe that something is true.
- 172 (nn) “Protective plan” means an immediate short-term action that protects a child from  
173 present danger threats in order to allow for completion of the initial assessment,  
174 investigation and, if needed, the implementation of a safety plan.
- 175 (oo) “Reasonable effort” means an earnest and conscientious effort to take good faith  
176 steps to provide the services ordered by the Court which takes into consideration the  
177 characteristics of the parent or child, the level of cooperation of the parent and other  
178 relevant circumstances of the case.
- 179 (pp) “Relative” means any person connected with a child by blood, marriage or adoption.
- 180 (qq) “Reservation” means all the land within the exterior boundaries of the Reservation of  
181 the Oneida Nation, as created pursuant to the 1838 Treaty with the Oneida, 7 Stat. 566, and  
182 any lands added thereto pursuant to federal law.
- 183 (rr) “Shelter care facility” means a non-secure place of temporary care and physical  
184 custody for children, licensed by the Department and/or applicable licensing agency.
- 185 (ss) “Social history” means the social, economic, cultural and familial aspects of a person  
186 and how those aspects affect the person’s functioning and situation in life.
- 187 (tt) “Special treatment or care” means professional services which need to be provided to  
188 a child or family to protect the well-being of the child, prevent out-of-home placement, or  
189 meet the needs of the child.
- 190 (uu) “Stepparent” means the spouse or ex-spouse of a child’s parent who is not a  
191 biological parent of the child.
- 192 (vv) “Stipulation” means a formal legal acknowledgement and agreement made between  
193 opposing parties prior to a pending hearing or trial.
- 194 (ww) “Substantial parental relationship” means the acceptance and exercise of significant  
195 responsibility for the daily supervision, education, protection and care of a child.
- 196 (xx) “Service plan” means a plan or set of conditions ordered by the Court identifying  
197 concerns and behaviors of a parent, guardian or legal custodian that resulted in a child to  
198 be in need of protection or services, and the treatment services, goals and objectives to  
199 address and remedy the concerns and behaviors of the parent, guardian or legal custodian.

200 (yy) “Warrant” means an order issued by a court commanding a law enforcement officer  
201 to perform some act incident to the administration of justice.  
202

#### 203 **708.4. Scope**

204 708.4-1. This law shall apply to all child welfare cases and legal proceedings in which the Nation  
205 has jurisdiction. Nothing in this law is meant to restrict or limit another court of competent  
206 jurisdiction from hearing a matter involving an Indian child.  
207

#### 208 **708.5. Jurisdiction**

209 708.5-1. *Personal Jurisdiction.* The Court shall have personal jurisdiction over the following  
210 individuals:

211 (a) *Jurisdiction over an Oneida Child.* The Court shall have personal jurisdiction over  
212 any child who is present or resides within the boundaries of Brown and Outagamie County  
213 and is enrolled or eligible for enrollment in the Nation.

214 (b) *Jurisdiction over a Non-Oneida Child.* The Court shall have personal jurisdiction over  
215 any child not enrolled or eligible for enrollment in the Nation who is present or resides  
216 within the boundaries of the Reservation and is a sibling of a child that is enrolled or  
217 eligible for enrollment in the Nation if the child’s parent(s), guardian or legal custodian  
218 consents to the jurisdiction of the Court. Consent to the jurisdiction of the Court can be  
219 given by any of the following:

220 (1) The parent(s), guardian or legal custodian knowingly and voluntarily provides  
221 the Court with written consent to the jurisdiction of the Court; or

222 (2) The Court establishes on the record that the parent(s), guardian or legal  
223 custodian knowingly and voluntarily provides the Court with verbal consent to the  
224 jurisdiction of the Court.

225 708.5-2. *Jurisdiction over Children Alleged to be in Need of Protection or Services.* The Court  
226 shall have jurisdiction over a child alleged to be in need of protection or services if personal  
227 jurisdiction has been established and the child:

228 (a) is without a parent or guardian;

229 (b) has been abandoned;

230 (c) has a parent that relinquished custody of the child pursuant to the Nation’s laws or state  
231 law and has no other parent available to provide necessary care;

232 (d) has been the victim of abuse, including injury that is self-inflicted or inflicted by  
233 another;

234 (e) is at substantial risk of becoming the victim of abuse, including injury that is self-  
235 inflicted or inflicted by another, based on reliable and credible information that another  
236 child in the home has been the victim of such abuse;

237 (f) has a parent, guardian, or legal custodian who signs the petition requesting jurisdiction  
238 under this subsection and is unable or needs assistance to care for or provide necessary  
239 special treatment or care for the child, and the child has no other parent available to provide  
240 necessary care;

241 (g) has a guardian or legal custodian who is unable or needs assistance to care for or  
242 provide necessary special treatment or care for the child, but is unwilling or unable to sign  
243 the petition requesting jurisdiction under this subsection;

244 (h) has been placed for care or adoption in violation of the Nation’s laws or state law;

- 245 (i) is receiving inadequate care during the period of time a parent is missing, incarcerated,  
246 hospitalized or institutionalized;
- 247 (j) is at least twelve (12) years of age, signs the petition requesting jurisdiction under this  
248 subsection and is in need of special treatment or care which the parent, guardian or legal  
249 custodian is unwilling, neglecting, unable or needs assistance to provide;
- 250 (k) has a parent, guardian or legal custodian who neglects, refuses or is unable for reasons  
251 other than poverty to provide necessary care, food, clothing, medical or dental care or  
252 shelter so as to seriously endanger the physical health of the child;
- 253 (l) has a parent, guardian or legal custodian who is at substantial risk of neglecting,  
254 refusing or being unable for reasons other than poverty to provide necessary care, food,  
255 clothing, medical or dental care or shelter so as to endanger seriously the physical health  
256 of the child, based on reliable and credible information that the child's parent, guardian or  
257 legal custodian has neglected, refused or been unable for reasons other than poverty to  
258 provide necessary care, food, clothing, medical or dental care or shelter so as to endanger  
259 seriously the physical health of another child in the home;
- 260 (m) is suffering emotional damage for which the parent, guardian or legal custodian has  
261 neglected, refused or been unable and is neglecting, refusing or unable, for reasons other  
262 than poverty, to obtain necessary treatment or to take necessary steps to improve the  
263 symptoms;
- 264 (n) is suffering from an alcohol and other drug abuse impairment, exhibited to a severe  
265 degree, for which the parent, guardian or legal custodian is neglecting, refusing or unable  
266 to provide treatment; or
- 267 (o) is non-compliant with the Nation's or State's immunization laws.

268 **708.5-3. Jurisdiction over other Matters Relating to Children.** If jurisdiction has been established  
269 under section 708.5-1 and all requirements of this law have been met the Court may:

- 270 (a) terminate or suspend parental rights to a child;  
271 (b) appoint, revise, and/or remove a guardian; and  
272 (c) hold adoption proceedings.

273 **708.5-4. Transfer of Cases from other Courts.** If personal jurisdiction has been established the  
274 Court has jurisdiction over any action transferred to the Court from any court of competent  
275 jurisdiction.

- 276 (a) While a case is being transferred to the Court from another court, any time limits  
277 established by this law shall be tolled until the next hearing on the matter before the Court.

278 **708.5-5. Transfer of Cases to other Courts.** The Court may transfer a case under this law to a court  
279 of competent jurisdiction where the other court has a significant interest in the child and the transfer  
280 would be in the best interest of the child.

281 **708.5-6.** Any orders made by the Court under this law, or any orders made by a court of competent  
282 jurisdiction regarding child welfare matters, shall supersede any other order made by this Court or  
283 a court of competent jurisdiction regarding custody or placement of a child until the Children's  
284 Code or other child welfare orders are dismissed.

## 285 **708.6. Nation's Child Welfare Attorney**

286 **708.6-1.** A Child Welfare attorney shall represent the Nation in all proceedings under this law.  
287 The Child Welfare attorney shall be one of the following:

- 288 (a) An attorney from the Oneida Law Office;  
289 (b) An attorney contracted by the Oneida Law Office; or  
290

291 (c) An attorney contracted by the Department.

292

293 **708.7. Indian Child Welfare Department Duties and Responsibilities**

294 *708.7-1. Indian Child Welfare Worker.* The Indian Child Welfare Worker shall carry out the duties  
295 and responsibilities set forth in this law which include, but are not limited to the following:

296 (a) Receive, examine, and investigate complaints and allegations that a child is in need of  
297 protection or services for the purpose of determining the appropriate response under this  
298 law, which may include notifying law enforcement;

299 (b) Receive referral information, conduct intake inquiries, and determine whether to  
300 initiate child welfare proceedings;

301 (c) Determine whether a child should be held pursuant to the emergency provisions of this  
302 law;

303 (d) Make appropriate referrals of cases to other agencies when appropriate, and share  
304 information with other agencies if their assistance appears to be needed or desirable;

305 (e) Maintain records;

306 (f) Enter into informal dispositions or protective plans with families;

307 (g) Refer counseling or any other functions or services to the child and/or family as  
308 designated by the Court;

309 (h) Identify and develop resources within the community that may be utilized by the  
310 Department and Court;

311 (i) Make reasonable efforts to obtain necessary services for the child and family and  
312 investigate and develop resources for the child and family to utilize;

313 (j) Accept legal custody of children when ordered by the Court;

314 (k) Make reports and recommendations to the Court;

315 (l) Make recommendations to the Nation's Child Welfare attorney;

316 (m) Request transfer from state court to the Nation's court when appropriate;

317 (n) Perform any other functions ordered by the Court within the limitations of the law;

318 (o) Develop appropriate plans and conduct reviews;

319 (p) Negotiate agreements for services, record sharing, referral, and funding for child family  
320 service records within the Department;

321 (q) Provide measures and procedures for preserving the confidential nature of child and  
322 family service records within the Department;

323 (r) Participate in continuing training, conferences and workshops pertinent to child welfare  
324 issues;

325 (s) Explain the court proceedings to the child in language and terms appropriate to the  
326 child's age and maturity level when a guardian ad litem is not appointed for a child; and

327 (t) Maintain a knowledge and understanding of all relevant laws and regulations.

328 *708.7-2. Department.* In performing the duties set forth in this law, the Department shall:

329 (a) Identify and refer parties to resources in the community calculated to resolve the  
330 problems presented in petitions filed in Court, such as the various psychiatric,  
331 psychological, therapeutic, counseling, and other social services available within and  
332 outside the Nation when necessary;

333 (b) Identify and refer parties to resources in the community designed to enhance the child's  
334 potential as a member of the Nation;

335 (c) Investigate, inspect, and license foster homes, and monitor and supervise foster homes  
336 and children in foster care;

- 337 (d) Adhere to the placement preference order stated in section 708.11;  
338 (e) Enter into memorandums of understanding or agreement with the Oneida Trust  
339 Enrollment Committee or Department, Oneida Police Department, Oneida Nation Child  
340 Support Agency and any other appropriate department in order to carry out the provisions  
341 of this law; and  
342 (f) Share information with other social service agencies, law enforcement agencies, and  
343 other entities of the Nation as it pertains to children under the jurisdiction of this law.  
344

345 **708.8. Guardian ad litem**

346 708.8-1. *Appointment.* The appointment of a guardian ad litem shall be as follows:

- 347 (a) The Court may appoint a guardian ad litem for any child who is the subject of a child  
348 in need of protection or services proceeding;  
349 (b) The Court shall appoint a guardian ad litem for any child who is the subject of a  
350 proceeding to terminate or suspend parental rights, whether voluntary or involuntary, for a  
351 child who is the subject of a contested adoption proceeding, and for a child who is the  
352 subject of a contested guardianship proceeding;  
353 (c) The Court shall appoint a guardian ad litem for a minor parent petitioning for the  
354 voluntary termination of their parental rights; and  
355 (d) A guardian ad litem may be appointed for any other circumstance the Court deems  
356 necessary.

357 708.8-2. *Qualifications.*

- 358 (a) A guardian ad litem shall be an adult who:  
359 (1) is at least twenty one (21) years of age;  
360 (2) is currently certified as a guardian ad litem and in good standing;  
361 (3) has never been convicted of a felony unless the person received a pardon or  
362 forgiveness; and  
363 (4) has never been convicted of any crime against a child.  
364 (b) No person shall be appointed guardian ad litem in that proceeding who:  
365 (1) has a personal interest in the outcome of the case, a party to the proceeding, or  
366 any other interest that has the potential to corrupt a person's motivation or decision  
367 making, because of an actual or potential divergence between the person's self-interests,  
368 and the best interests of the case;  
369 (2) appears as counsel or an advocate in the proceeding on behalf of any party; or  
370 (3) is related to a party of the proceeding, the Judge for the proceeding, or an  
371 appointing Judge by blood, marriage, adoption or related by a social tie that could  
372 be reasonably interpreted as a conflict of interest.  
373 (c) A guardian ad litem may be recognized as certified by the Court if he or she:  
374 (1) has completed guardian ad litem training provided by the Court, another Indian  
375 tribe, or a state; or  
376 (2) is recognized as a certified guardian ad litem by another jurisdiction.

377 708.8-3. *Responsibilities.* The guardian ad litem has none of the rights or duties of a general  
378 guardian. The guardian ad litem shall:

- 379 (a) investigate and review all relevant information, records and documents, as well as  
380 interview the child, parent(s), social workers, and all other relevant persons to gather facts  
381 when appropriate;  
382 (b) consider the importance of the child's culture, heritage and traditions;

- 383 (c) consider, but shall not be bound by, the wishes of the child or the positions of others  
384 as to the best interests of the child;
- 385 (d) explain the role of the guardian ad litem and the court proceedings to the child in  
386 language and terms appropriate to the child's age and maturity level;
- 387 (e) provide a written or oral report to the Court regarding the best interests of the child,  
388 including conclusions and recommendations and the facts upon which they are based;
- 389 (f) recommend evaluations, assessments, services and treatment of the child and the child's  
390 family when appropriate;
- 391 (g) inform the court of any concerns or possible issues regarding the child or the child's  
392 family;
- 393 (h) represent the best interests of the child;
- 394 (i) perform other duties as directed by the Court; and
- 395 (j) comply with all laws, policies and rules of the Nation governing the conduct of a  
396 guardian ad litem.

397 **708.8-4. Compensation.** The guardian ad litem shall be compensated at a rate that the Court  
398 determines is reasonable. The Court shall compensate the guardian ad litem for his or her fees. The  
399 parties shall reimburse the Court for the guardian ad litem fees. The Court may apportion the  
400 amount of reimbursement each party shall pay based on the ability to pay or assess the cost equally  
401 between the parties. The Court may determine an appropriate time frame for the reimbursement to  
402 occur. The Court may waive the guardian ad litem expense if the cost of the guardian ad litem will  
403 impose an immediate and substantial hardship on the parties.

404

#### 405 **708.9. Advocate**

406 708.9-1. The parent, guardian and legal custodian of a child has the right to obtain an advocate to  
407 represent and advise him or her throughout any proceeding under this law at his or her own  
408 expense.

409 708.9-2. *Qualifications.*

410 (a) An advocate shall be an adult who:

- 411 (1) is at least twenty one (21) years of age;
- 412 (2) is admitted to practice before the Oneida Judiciary;
- 413 (2) has never been convicted of a felony unless the person received a pardon or  
414 forgiveness; and
- 415 (3) has never been convicted of any crime against a child.

416 708.9-3. An advocate shall comply with all laws, rules and policies of the Nation governing  
417 advocates.

418

#### 419 **708.10 Cultural Wellness Facilitator and Healer**

420 708.10-1. The Department may utilize a Cultural Wellness Facilitator and Healer, or similar  
421 position, throughout all child welfare proceedings.

422 708.10-2. The Cultural Wellness Facilitator and Healer may provide:

- 423 (a) wellness sessions utilizing culturally based and appropriate healing methods;
- 424 (b) training on Oneida culture, language and traditions; and
- 425 (c) any other service that may be necessary.

426



427 **708.11. Order of Placement Preferences**

428 708.11-1. The following order of placement preferences shall be followed when it is necessary to  
429 place a child outside of the home under this law:

- 430 (a) A member of the child's immediate or extended family;
- 431 (b) A family clan member;
- 432 (c) A member of the Nation;
- 433 (d) Descendants of the Nation;
- 434 (e) A member of another federally recognized tribe;
- 435 (f) Fictive kin within the Nation community;
- 436 (g) Fictive kin outside the Nation community; or
- 437 (h) Any other person or persons not listed above.

438 708.11-2. The order of placement preferences listed in section 708.11-1. are prioritized from the  
439 most preference given to a child placed in a home in accordance with section 708.11-1(a) and the  
440 least amount of preference given to a child placed in a home in accordance with section 708.11-  
441 1(h).

442 708.11-3. In order to deviate from the placement preferences listed in section 708.11-1, the Court  
443 shall consider the best interest of the child when determining whether there is good cause to go  
444 outside the placement preference.

445 (a) Good cause to go outside the placement preferences shall be determined based on any  
446 of the following:

- 447 (1) When appropriate, the request from the child's parent or the child, when the  
448 child is age twelve (12) or older;
- 449 (2) Any extraordinary physical, mental or emotional health needs of the child  
450 requiring highly specialized treatment services as established by an expert;
- 451 (3) The unavailability of a suitable placement after diligent efforts have been made  
452 to place the child in the placement preference listed in section 708.11-1; or
- 453 (4) Any other reason deemed by the Court to be in the best interest of the child.

454 (b) The party requesting to deviate from the placement preferences listed in 708.11-1 has  
455 the burden of establishing good cause.

456  
457 **708.12. Notice; General Terms**

458 708.12-1. Service of documents and notices shall be as specified in this law. If a method of service  
459 is not specified in this law, then service shall be by first-class mail to the recently verified last-  
460 known address of the party. If a party's whereabouts are unknown and cannot be found after  
461 diligent effort, service shall be by publication as described in the Oneida Judiciary Rules of Civil  
462 Procedure.

463 708.12-2. The Court shall provide the parties with notice of all hearings at least seven (7) days  
464 prior to the hearing, with the purpose of providing the parties an opportunity to be heard.

465 (a) *Exception.* In circumstances where a hearing is scheduled and it is not possible to  
466 provide notice at least seven (7) days prior to the hearing, the Court shall make an  
467 appropriate effort to notice all parties of the hearing.

468 708.12-3. When the Department is required to perform personal service, the Indian Child Welfare  
469 Worker may deliver the document(s) directly to the party(s) if such service is appropriate and safe  
470 under the circumstances. In the alternative, personal service may be accomplished according to the  
471 Oneida Judiciary Rules of Civil Procedure.

472 708.12-4. In all proceedings under this law, the Department may withhold the placement  
473 provider's identifying information from the child's parent, guardian, or legal custodian if there are  
474 reasonable grounds to believe that disclosure would result in imminent danger to the child or  
475 anyone else. A parent, guardian, or legal custodian may request judicial review of the decision to  
476 withhold the identifying information.

477

### 478 **708.13. Hearings (General)**

479 708.13-1. If the Court finds that it is in the best interest of the child, the Court may exclude the  
480 child from participating in a hearing conducted in accordance with this law.

481 708.13-2. The Oneida Judiciary Rules of Evidence are not binding at emergency custody hearings,  
482 dispositional hearings, or a hearing about changes in placement, revision of dispositional orders,  
483 extension of dispositional orders, or termination of guardianship orders. At those hearings, the  
484 Court shall admit all testimony having reasonable probative value, but shall exclude immaterial,  
485 irrelevant, or unduly repetitious testimony. Hearsay evidence may be admitted if it has  
486 demonstrable circumstantial guarantees of trustworthiness. The Court shall give effect to the rules  
487 of privilege recognized by laws of the Nation. The Court shall apply the basic principles of  
488 relevancy, materiality, and probative value to proof of all questions of fact.

489 708.13-3. If an alleged father appears at a hearing under this law, the Court may order the  
490 Department to refer the matter to the Oneida Nation Child Support Agency to adjudicate paternity.  
491 If the Court enters such an order, then the Department may sign documents required by the Oneida  
492 Nation Child Support Agency on behalf of the family for the limited purpose of initiating a  
493 paternity action. While paternity is being established, the Court shall enter an order finding good  
494 cause to suspend the time limits established under this law.

495 708.13-4. At any time, the Court or the Department may refer the matter to the Nation's Child  
496 Support Agency.

497

### 498 **708.14. Discovery and Records**

499 708.14-1. Upon written request, the parties and their counsel shall have the right to inspect, copy  
500 or photograph social, psychiatric, psychological, medical, and school reports, and records  
501 concerning the child including reports of preliminary inquiries, predisposition studies and  
502 supervision records relating to the child which are in the possession of the Nation's Child Welfare  
503 attorney or the Department that pertain to any case under this law.

504 708.14-2. The Department shall make available for inspection or disclosure the contents of any  
505 record kept, regardless of the originating source, to a guardian ad litem appointed in a Children's  
506 Code or family law case when that access is granted by order of the Court.

507 708.14-3. If a request for discovery is refused, the person may submit an application to the Court  
508 requesting an order granting discovery. Motions for discovery shall certify that a request for  
509 discovery has been made and refused.

510 708.14-4. If the discovery violates a privileged communication or a work product rule, the Court  
511 may deny, in whole or part, otherwise limit or set conditions on the discovery authorized.

512 708.14-5. The identity of the individual that initiated the investigation by contacting the  
513 Department, shall be redacted in all documents that are made available to the parties.

514 708.14-6. In addition to the discovery procedures permitted under this law, the discovery  
515 procedures permitted under the Oneida Judiciary Rules of Civil Procedure shall apply in all  
516 proceedings under this law.

517 708.14-7. The Department may make an ex parte request to the Court to conduct an in camera  
518 review to determine what information should and should not be released to the parties and their  
519 counsel. In making that determination, the Court shall balance what is necessary to a fair  
520 determination of the child welfare legal matter, including access to records, against the interest in  
521 protecting the child from the risk of harm. After the Court conducts the in camera review, the  
522 decision regarding the release of records shall be provided to the parties in writing.

523

#### 524 **708.15. Taking a Child into Custody**

525 708.15-1. *Grounds for Taking a Child into Custody.* A child may be taken into custody without  
526 a Court order by an Indian Child Welfare Worker or law enforcement officer if there are reasonable  
527 grounds to believe:

528 (a) A warrant for the child's apprehension has been issued by the Court or another court of  
529 competent jurisdiction to take the child into custody;

530 (b) The child is suffering from illness or injury or is in immediate danger from his or her  
531 surroundings and removal from those surroundings is necessary; and/or

532 (c) The child has violated the conditions of an order issued pursuant to this law.

533 708.15-2. The Court may enter an order directing that a child be taken into custody upon a showing  
534 satisfactory to the judge that the welfare of the child demands that the child be immediately  
535 removed from his or her present custody.

536 708.15-3. A person taking the child into custody, under this section, shall immediately attempt to  
537 notify the parent(s), guardian(s), and legal custodian(s) of the child by the most practical means.  
538 Attempts to satisfy notification shall continue until either the parent(s), guardian(s), and legal  
539 custodian(s) of the child is notified, or the child is delivered to an Indian Child Welfare Worker,  
540 whichever occurs first. If the child is delivered to the Indian Child Welfare Worker before the  
541 parent(s), guardian(s), and legal custodian(s) is notified, the Indian Child Welfare Worker, or  
542 another person at his or her direction, shall continue the attempt to notify until the parent(s),  
543 guardian(s), and legal custodian(s) of the child is notified.

544 708.15-4. Once the child is taken into custody and turned over to the care of the Department, the  
545 Department shall make every effort to release the child immediately to the child's parent(s),  
546 guardian(s), and legal custodian(s), so long as it is in the child's best interest and the parent(s),  
547 guardian(s), and legal custodian(s) is willing to receive the child.

548 708.15-5. *Probable Cause for Taking a Child into Custody.* A child may be held in custody if the  
549 Indian Child Welfare Worker determines the child is within the jurisdiction of the Court and  
550 probable cause exists to believe any of the following if the child is not held in custody:

551 (a) The child will cause injury to himself or herself or be subject to injury by others;

552 (b) The child will be subject to injury by others, based on a determination that if another  
553 child in the home is not held that child will be subject to injury by others;

554 (c) The parent, guardian or legal custodian of the child or other responsible adult is  
555 neglecting, refusing, unable or unavailable to provide adequate supervision and care, and  
556 that services to ensure the child's safety and well-being are not available or would be  
557 inadequate;

558 (d) The child meets the criteria for probable cause for taking a child into custody specified  
559 in section 708.15-5(c), based on a determination that another child in the home meets any  
560 of the criteria; or

561 (e) The child will run away or be taken away so as to be unavailable for proceedings of the  
562 Court.

563 708.15-6. *Holding a Child in Custody.* A child held in custody may be held in any of the following  
564 places as long as the places are in the child's best interest and all people residing or regularly  
565 visiting the premises have cleared a background check:

566 (a) The home of a relative, except that a child may not be held in the home of a relative  
567 that has been convicted of the first-degree intentional homicide or the second-degree  
568 intentional homicide of a parent of the child, or any crime against a child, and the  
569 conviction has not been pardoned, forgiven, reversed, set aside or vacated, unless the  
570 person making the custody decision determines by clear and convincing evidence that the  
571 placement would be in the best interests of the child. The person making the custody  
572 decision shall consider the wishes of the child in making that determination;

573 (b) A licensed foster home;

574 (c) A licensed group home;

575 (d) A non-secure facility operated by a licensed child welfare agency;

576 (e) A licensed private or public shelter care facility;

577 (f) A hospital or other medical or mental health facility; or

578 (g) The home of a person not a relative, if the placement does not exceed thirty (30) days,  
579 though the placement may be extended for up to an additional thirty (30) days by the Indian  
580 Child Welfare Worker, and if the person has not had a child care license refused, revoked,  
581 or suspended within the last two (2) years.

582 708.15-7. When holding a child in custody for emergency placement the use of the preferences  
583 for placement stated in section 708.11-1 are preferred, but not mandatory. If the preferences for  
584 placement are not followed, the Department shall try to transition that child into a home that fits  
585 the order of preferences for placement as quickly as deemed appropriate by the Department.

586 708.15-8. If a child is held in custody, the Indian Child Welfare Worker shall notify the child's  
587 parent(s), guardian(s), and legal custodian(s) of the reasons for holding the child and of the child's  
588 whereabouts except when the Indian Child Welfare Worker believes that notice would present  
589 imminent danger to the child. If the parent, guardian, or legal custodian is not immediately  
590 available, the Indian Child Welfare Worker or another person designated by the worker shall  
591 provide notice as soon as possible.

592 708.15-9. The Indian Child Welfare Worker shall also notify the parent, guardian, and legal  
593 custodian of the following:

594 (a) the date, time and place of the emergency custody hearing;

595 (b) the nature and possible outcomes of the hearing;

596 (c) the right to present and cross-examine witnesses; and

597 (d) the right to retain counsel at his or her own expense.

598 708.15-10. When the child is age twelve (12) or older, the Indian Child Welfare Worker shall  
599 notify the child of the date, time, and place and the nature and possible outcomes of the emergency  
600 custody hearing.

601

602 **708.16. Emergency Custody Hearing**

603 708.16-1. If a child who has been taken into custody under section 708.15-5 is not released, a  
604 hearing to determine whether the child shall continue to be held in custody under the criteria of  
605 probable cause for taking a child into custody under section 708.15-5(a)-(e) shall be conducted by  
606 the Court as soon as possible but no later than seventy-two (72) hours after the time the decision  
607 to hold the child was made, excluding Saturdays, Sundays, and holidays. By the time of the  
608 hearing, a petition for a child in need of protection or services under section 708.17 shall be filed  
609 unless the Department seeks and receives an extension pursuant to section 708.16-2. The child  
610 shall be released from custody if a hearing is not held within the specified timelines.

611 708.16-2. If no petition has been filed by the time of the hearing, a child may be held in custody  
612 with approval of the Court for an additional seventy-two (72) hours from the time of the hearing,  
613 excluding Saturdays, Sundays, and holidays, only if, as a result of the facts brought forth at the  
614 hearing, the Court determines that probable cause exists to believe any of the following:

- 615 (a) That additional time is required to determine whether the filing of a petition initiating  
616 proceedings under this law is necessary;
- 617 (b) That the child is an imminent danger to himself or herself or to others; or
- 618 (c) The parent, guardian, and legal custodian of the child or other responsible adult is  
619 neglecting, refusing, unable, or unavailable to provide adequate supervision and care.

620 708.16-3. The Court may grant a one-time extension under section 708.16-2 for a petition. In the  
621 event a petition is not filed within the extension period, the Court shall order the child's immediate  
622 release from custody. For any parties not present at the hearing, the Department shall serve the  
623 petition on those parties by certified mail, return receipt requested.

624 708.16-4. Prior to the start of the hearing, the Court shall inform the parent, guardian, or legal  
625 custodian of the following:

- 626 (a) allegations that have been made or may be made;
- 627 (b) the nature and possible outcomes of the hearing and possible future hearings;
- 628 (c) the right to present and cross-examine witnesses; and
- 629 (d) the right to retain counsel at his or her own expense.

630 708.16-5. If present at the hearing, the Court may permit the parent to provide the names and other  
631 identifying information of three (3) relatives of the child or other individuals eighteen (18) years  
632 of age or older whose homes the parent wishes the Court to consider as placements for the child.  
633 If the parent does not provide this information at the hearing, the Department shall permit the  
634 parent to provide the information at a later date.

635 708.16-6. All orders to hold a child in custody shall be in writing.

- 636 (a) All orders to hold a child in custody shall include all of the following:
- 637 (1) A finding that continued placement of the child in his or her home would be  
638 contrary to the best interests of the child;
- 639 (2) A finding that the Department and/or anyone else providing services to the  
640 child had reasonable grounds to remove the child from the home based on the  
641 child's best interest;
- 642 (3) A finding that the Department has made reasonable efforts to prevent the  
643 removal of the child from the home, while assuring that the child's best interests  
644 are the paramount concerns;
- 645 (4) The Department made reasonable efforts to make it possible for the child to  
646 return safely home; and

647 (5) If the child has one (1) or more siblings, who have also been removed from the  
648 home, a finding as to whether the Department has made reasonable efforts to place  
649 the child in a placement that enables the sibling group to remain together, unless  
650 the Court determines that a joint placement would be contrary to the safety or well-  
651 being of the child or any of those siblings, in which case the Court shall order the  
652 Department make reasonable efforts to provide for frequent visitation or other  
653 ongoing interaction between the child and the siblings, unless the Court determines  
654 that such visitation or interaction would be contrary to the safety or well-being of  
655 the child or any of those siblings.

656 (b) An order to hold a child in custody may include the following:

657 (1) an transfer of the legal custody of the child, including decisions about health  
658 care and education.

659 708.16-7. An order to hold a child in custody remains in effect until a dispositional order is  
660 granted, the petition is withdrawn or dismissed, or the order is modified or terminated by further  
661 order of the Court.

662 708.16-8. An order to hold a child in custody may be re-heard upon motion of any party if, in the  
663 Court's discretion, good cause is found, whether or not counsel was present.

664

#### 665 **708.17. Petition for a Child in Need of Protection or Services**

666 708.17-1. The Nation's Child Welfare attorney or the Department shall initiate proceedings under  
667 this section by filing a petition with the Court, signed by a person who has knowledge of the facts  
668 alleged or is informed of them and believes them to be true. Upon filing with the Court, the  
669 Department shall provide a copy of the petition to the parties by personal service or, if personal  
670 service is not possible, by certified mail with return receipt requested.

671 708.17-2. The petition shall include the following:

672 (a) The name, birth date, address, and tribal affiliation of the child;

673 (b) The names, birth dates, addresses, and tribal affiliation of the child's parent, guardian,  
674 legal custodian or spouse, if any; or if no such person can be identified, the name and  
675 address of the nearest relative;

676 (c) Whether the child is in custody, and, if so, the place where the child is being held and  
677 the date and time he or she was taken into custody unless there is reasonable cause to  
678 believe that such disclosure would result in imminent danger to the child or legal custodian;

679 (d) A Uniform Child Custody Jurisdiction and Enforcement Act affidavit;

680 (e) A plain and concise statement of facts upon which the allegations are based, including  
681 the dates, times, and location at which the alleged acts occurred. If the child is being held  
682 in custody outside his or her home, the statement shall include information showing that  
683 continued placement of the child in the home would be contrary to the welfare of the child  
684 and the efforts that were made to prevent the removal of the child, while assuring that the  
685 child's health, welfare, and safety are the paramount concerns; and

686 (f) Any other information as deemed necessary by the Court.

687 708.17-3. The petition shall state if any of the facts required for a petition are not known or cannot  
688 be ascertained by the petitioner.

689 708.17-4. A petition may be amended at any time at the discretion of the Court. Upon filing with  
690 the Court, the Department shall provide a copy of the amended petition to the parties by certified  
691 mail with return receipt requested.

692

693 **708.18. Consent Decree**

694 708.18-1. *Consent Decree.* At any time after the filing of a petition pursuant to section 708.17  
695 and before the entry of judgment, the Court may suspend the proceedings and place the child under  
696 supervision in the home or present placement of the child. The Court may establish terms and  
697 conditions applicable to the child and the child's parent, guardian or legal custodian. The order  
698 under this section shall be known as a consent decree and must be agreed to by the child who is  
699 twelve (12) years of age or older, the parent, guardian or legal custodian, and the person filing the  
700 petition. The consent decree shall be reduced to writing and given to the parties.

701 708.18-2. *Requirements of a Consent Decree.* If at the time the consent decree is entered into the  
702 child is placed outside the home and if the consent decree maintains the child in that placement,  
703 the consent decree shall include all of the following:

704 (a) A finding that placement of the child in his or her home would be contrary to the  
705 welfare of the child;

706 (b) A finding as to whether the Department has made reasonable efforts to prevent the  
707 removal of the child from the home, while assuring that the child's health and safety and  
708 best interests are the paramount concerns;

709 (c) If a permanency plan has previously been prepared for the child, a finding as to whether  
710 the Department has made reasonable efforts to achieve the permanency goal of the child's  
711 permanency plan; and

712 (d) If the child has one or more siblings who have also been removed from the home, the  
713 consent decree shall include a finding as to whether the Department has made reasonable  
714 efforts to place the child in a placement that enables the sibling group to remain together,  
715 unless the Court determines that the placement of the siblings together would be contrary  
716 to the safety, well-being and best interests of the child or any of those siblings, in which  
717 case the Court shall order the department to make reasonable efforts to provide for frequent  
718 visitation or other ongoing interaction between the child and the siblings, unless the Court  
719 determines that such visitation or interaction would be contrary to the safety, well-being or  
720 best interests of the child or any of those siblings.

721 708.18-3. *Time Limits of Consent Decree.* A consent decree shall remain in effect up to six (6)  
722 months unless the child, parent, guardian, or legal custodian is discharged sooner by the  
723 Court. The time limits under this law shall be tolled during the pendency of the consent decree.

724 708.18-4. *Extension of a Consent Decree.* Upon the motion of the Court or the request of the  
725 child, parent, guardian, legal custodian, child's guardian ad litem, or the Department, the Court  
726 may, after giving notice to the parties to the consent decree, extend the decree for up to an  
727 additional six (6) months in the absence of objection to the extension by the parties to the initial  
728 consent decree. If the child, parent, guardian, legal custodian, or child's guardian ad litem objects  
729 to the extension, the Court shall schedule a hearing and make a determination on the issue of  
730 extension.

731 708.18-5. If, prior to discharge by the Court, or the expiration of the consent decree, the Court  
732 finds after conducting a hearing that the child, parent, guardian, or legal custodian has failed to  
733 fulfill the express terms and conditions of the consent decree, the hearing under which the child  
734 was placed on supervision may be continued to conclusion as if the consent decree had never been  
735 entered.

736

737 **708.19. Plea Hearing for a Child in Need of Protection or Services**

738 708.19-1. A plea hearing shall take place on a date which allows reasonable time for the parties to  
739 prepare but is within forty-five (45) days after the filing of a petition, unless the Court enters an  
740 order finding good cause to go outside of the time limits.

741 708.19-2. If a petition is not contested, the Court shall set a date for the dispositional hearing  
742 which allows reasonable time for the parties to prepare but is within forty-five (45) days after the  
743 plea hearing, unless the Court enters an order finding good cause to go outside the time limits. If  
744 all the parties agree and the Department has submitted a court report pursuant to section 708.21,  
745 the Court may proceed immediately with the dispositional hearing.

746 708.19-3. If the petition is contested, the Court shall set a date for the fact-finding hearing which  
747 allows reasonable time for the parties to prepare but is within sixty (60) days after the plea hearing,  
748 unless the Court enters an order finding good cause to go outside the time limits.

749 708.19-4. Before accepting an admission or plea of no contest of the alleged facts in a petition,  
750 the Court shall:

751 (a) Address the parties present and determine that the plea of no contest or admission is  
752 made voluntarily with understanding of the nature of the acts alleged in the petition and  
753 the potential outcomes;

754 (b) Establish whether any promises or threats were made to elicit the plea of no contest or  
755 admission; and

756 (c) Make inquiries that establish a factual basis for the plea of no contest or admission.

757 708.19-5. At the plea hearing the Department may request placement of the child outside of the  
758 child's home in accordance with the placement preferences in section 708.11-1, if notice of the  
759 Department's intent to seek out of home placement of the child was provided to the parties prior  
760 to the hearing in substantial compliance with section 708.15-9. In the request for placement of the  
761 child outside of the child's home the Department shall present as evidence specific information as  
762 outlined in 708.16-6(a)(1)-(5).

763 708.19-6. If the Court orders the out of home placement of the child, the order shall be in writing  
764 and shall contain the information required by section 708.16-6(a)(1)-(5).

765

766 **708.20. Fact finding Hearing for a Child in Need of Protection or Services**

767 708.20-1. The fact-finding hearing is a hearing conducted by the Court to determine whether there  
768 is clear and convincing evidence to establish that the child is in need of protection or services.

769 708.20-2. The fact-finding hearing shall be conducted according to the Oneida Judiciary Rules of  
770 Civil Procedure except that the Court may exclude the child from the hearing.

771 708.20-3. At the close of the fact-finding hearing, the Court shall set a date for the dispositional  
772 hearing which allows a reasonable time for the parties to prepare but is no more than forty-five  
773 (45) days after the fact-finding hearing, unless the Court enters an order finding good cause to go  
774 outside the time limits. If all the parties agree and the Department has submitted court report  
775 pursuant to section 708.21, the Court may proceed immediately with the dispositional hearing.

776

777 **708.21. Department's Disposition Report for a Child in Need of Protection or Services**

778 708.21-1. Before the dispositional hearing, the Department shall submit a written report to the  
779 Court, with a copy provided to the parties by first-class mail at least seven (7) days prior to the  
780 hearing, which shall contain all of the following:

781 (a) The social history of the child and family;



782 (b) A strategic plan for the care of and assistance to the child and family calculated to  
783 resolve the concerns presented in the petition;

784 (c) A detailed explanation showing the necessity for the proposed plan of disposition and  
785 the benefits to the child and family under the proposed plan; and

786 (d) If an out-of-home placement is being recommended, specific reasons for  
787 recommending that placement.

788 708.21-2. If the Department is recommending out-of-home placement, the written report shall  
789 include all of the following:

790 (a) The location of the placement and where it fits within the placement preferences.

791 (b) A recommendation as to whether the Court should establish a child support obligation  
792 for the parents;

793 (c) Specific information showing that continued placement of the child in his or her home  
794 would be contrary to the best interests of the child and specific information showing that  
795 the Department has made reasonable efforts to prevent the removal of the child from the  
796 home, while assuring that the child's best interests are the paramount concerns;

797 (d) If the child has one (1) or more siblings who have been removed from the home or for  
798 whom an out-of-home placement is recommended, specific information showing that  
799 Department has made reasonable efforts to place the child in a placement that enables the  
800 sibling group to remain together, unless the Department recommends that the child and his  
801 or her siblings not be placed together, in which case the report shall include specific  
802 information showing that placement of the children together would be contrary to the best  
803 interests of the child or any of those siblings; and

804 (e) If a recommendation is made that the child and his or her siblings not be placed together  
805 specific information showing that the Department has made reasonable efforts to provide  
806 for frequent visitation or other ongoing interaction between the child and the siblings,  
807 unless the Department recommends that such visitation or interaction not be provided, in  
808 which case the report shall include specific information showing that such visitation or  
809 interaction would be contrary to best interests of the child or any of those siblings;

810

811 **708.22. Dispositional Hearing for a Child in Need of Protection or Services**

812 708.22-1. At a dispositional hearing, any party may present evidence relevant to the issue of  
813 disposition, including expert testimony, and may make alternative dispositional recommendations.

814 708.22-2. During a dispositional hearing, if the Department is recommending placement of the  
815 child outside of the child's home in accordance with the placement preferences in section 708.11-

816 1, the Department shall present as evidence specific information showing all of the following:

817 (a) That continued placement of the child in his or her home would be contrary to the best  
818 interests of the child;

819 (b) That the Department has made reasonable efforts to prevent the removal of the child  
820 from the home, while assuring that the child's best interests are the paramount concerns;

821 (c) If the child has one (1) or more siblings who have been removed from the home or for  
822 whom an out-of-home placement is recommended, that the Department has made  
823 reasonable efforts to place the child in a placement that enables the sibling group to remain  
824 together, unless the Department recommends that the child and his or her siblings not be  
825 placed together, in which case the Department shall present as evidence specific  
826 information showing that placement of the children together would be contrary to the best  
827 interests of the child or any of those siblings; and

828 (d) If a recommendation is made that the child and his or her siblings not be placed together,  
829 that the Department has made reasonable efforts to provide for frequent visitation or other  
830 ongoing interaction between the child and the siblings, unless the Department recommends  
831 that such visitation or interaction not be provided, in which case the Department shall  
832 present as evidence specific information showing that such visitation or interaction would  
833 be contrary to the best interests of the child or any of those siblings.

834 708.22-3. The Court's dispositional order shall employ those means necessary to maintain and  
835 protect the best interests of the child which are the least restrictive of the rights of the parent and  
836 child and which assure the care, treatment or rehabilitation of the child and the family consistent  
837 with the protection of the public. When appropriate, and, in cases of child abuse or neglect when  
838 it is consistent with the best interest of the child in terms of physical safety and physical health,  
839 the family unit shall be preserved and there shall be a policy of transferring custody of a child from  
840 the parent only when there is no less drastic alternative. If there is no less drastic alternative for a  
841 child than transferring custody from the parent, the Court shall consider transferring custody  
842 pursuant to the preferences for placement set forth in section 708.11-1.

843 708.22-4. *Dispositional Orders*. The Court's dispositional order shall be in writing and shall  
844 contain:

845 (a) The service plan and specific services to be provided to the child and family, and if  
846 custody of the child is to be transferred to effect the service plan, the identity of the legal  
847 custodian;

848 (b) If the child is placed outside the home, where the child will be placed. If the Court  
849 finds that disclosing identifying information related to placement of the child would result  
850 in imminent danger to the child or anyone else, the Court may order the name and address  
851 of whom the child is placed with withheld from the parent or guardian;

852 (c) The date of the expiration of the court's order;

853 (1) A dispositional order made before the child reaches eighteen (18) years of age  
854 that places or continues the placement of the child in his or her home shall terminate  
855 one (1) year after the date on which the order is granted unless the Court specifies  
856 a shorter period of time or the Court terminates the order sooner.

857 (2) A dispositional order made before the child reaches eighteen (18) years of age  
858 that places or continues the placement of the child outside of the home shall  
859 terminate on the latest of the following dates, unless the Court specifies a shorter  
860 period or the Court terminates the order sooner:

861 (A) The date on which the child attains eighteen (18) years of age;

862 (B) The date that is one (1) year after the date on which the order is granted;  
863 and

864 (C) The date on which the child is granted a high school or high school  
865 equivalency diploma or the date on which the child reaches nineteen (19)  
866 years of age, whichever occurs first, if the child is a full-time student at a  
867 secondary school or its vocational or technical equivalent and is reasonably  
868 expected to complete the program before reaching nineteen (19) years of  
869 age.

870 (d) If the child is placed outside the home, a finding that continued placement of the child  
871 in his or her home would be contrary to the welfare of the child and a finding as to whether  
872 the Department has made reasonable efforts to prevent the removal of the child from the  
873 home, while assuring that the child's best interests are the paramount concerns. The Court

874 shall make the findings specified in this subsection on a case-by-case basis based on  
875 circumstances specific to the child;

876 (e) If the child is placed outside the home under the supervision of the Department, an  
877 order ordering the child into the placement and care responsibility of the Department and  
878 assigning the Department primary responsibility for providing services to the child and  
879 family;

880 (f) If the child is placed outside the home and if the child has one (1) or more siblings who  
881 have also been placed outside the home, a finding as to whether the Department has made  
882 reasonable efforts to place the child in a placement that enables the sibling group to remain  
883 together, unless the Court determines that placement of the children together would be  
884 contrary to the best interests of the child or any of those siblings, in which case the Court  
885 shall order the Department to make reasonable efforts to provide for frequent visitation or  
886 other ongoing interaction between the child and the siblings, unless the Court determines  
887 that such visitation or interaction would be contrary to the best interests of the child or any  
888 of those siblings;

889 (g) A statement of the conditions with which the parties are required to comply; and

890 (h) If the Court finds that it would be in the best interest of the child, the Court may set  
891 reasonable rules of parental visitation.

892 (1) If the Court denies a parent visitation, the Court shall enter conditions that shall  
893 be met by the parent in order for the parent to be granted visitation.

894 708.22-5. *Service plans and Conditions.* In a proceeding in which a child has been found to be in  
895 need of protection or services, the Court may order the child's parent, guardian and legal custodian  
896 to comply with any conditions and/or service plan determined by the Court to be necessary for the  
897 child's welfare.

898 (a) The service plan or conditions ordered by the Court shall contain the following  
899 information:

900 (1) The identification of the problems or conditions that resulted in the abuse or  
901 neglect of a child;

902 (2) The treatment goals and objectives for each condition or requirement  
903 established in the plan. If the child has been removed from the home, the service  
904 plan must include, but is not limited to, the conditions or requirements that must be  
905 established for the safe return of the child to the family;

906 (3) The specific treatment objectives that clearly identify the separate roles and  
907 responsibilities of all parties addressed in the service plan, including the  
908 Department's specific responsibilities to make reasonable efforts to assist the  
909 parent, guardian or legal custodian in their efforts toward reunification with the  
910 child; and

911 (4) A notice that completion of a service plan does not guarantee the return of a  
912 child and that completion of a service plan without a change in behavior that caused  
913 removal in the first instance may result in the child remaining outside the home.

914 (b) A service plan may include recommendations and the dispositional order may require  
915 the child's parent, guardian and legal custodian to participate in:

916 (1) Outpatient mental health treatment;

917 (2) Substance abuse treatment;

918 (3) Anger management;

919 (4) Individual or family counseling;

- 920 (5) Parent training and education;  
921 (6) Cultural wellness treatment and training; and/or  
922 (7) Any other treatment as deemed appropriate by the Court.

923 708.22-6. If the Court finds that the parent was convicted of committing a crime against the life  
924 and bodily security of a child or a crime against a child, contained within Chapters 940 and 948 of  
925 the Wisconsin Statutes or another similar law in another jurisdiction, the Court may find that the  
926 Department is not required to make reasonable efforts with respect to the parent to make it possible  
927 for the child to return safely to his or her home.

928 708.22-7. The Court shall provide a copy of the dispositional order to the child's parent, guardian,  
929 and legal custodian, and other parties to the action.

930 708.22-8. Whenever the Court orders a child to be placed outside his or her home or denies a  
931 parent visitation because the child is in need of protection or services, the Court shall orally inform  
932 the parent who appears in Court of any grounds for suspension or termination of parental rights  
933 which may be applicable and of the conditions necessary for the child to be returned to the home  
934 or for the parent to be granted visitation. The Court shall also include this information in the written  
935 dispositional order provided to the parent.

936

### 937 **708.23. Permanency Plans**

938 708.23-1. The Department shall prepare a written permanency plan anytime a child is placed  
939 outside the home pursuant to dispositional order that finds the child is in need of protection or  
940 services.

941 (a) The permanency plan shall include all of the following:

- 942 (1) The name, birth date, address, and tribal affiliation of the child;  
943 (2) The names, birth dates, addresses, and tribal affiliation of the child's parent(s),  
944 guardian(s), and legal custodian(s);  
945 (3) The date on which the child was removed from the home;  
946 (4) A statement as to the availability of a safe and appropriate placement with an  
947 extended family member;  
948 (5) The goal(s) of the permanency plan which may include one or more of the  
949 following: reunification, adoption, guardianship, placement with a fit and willing  
950 relative, or long-term foster care;  
951 (6) Date by which it is likely the goal(s) of the permanency plan will likely be  
952 achieved;  
953 (7) A description of the services offered and any services provided in an effort to  
954 prevent removal of the child from the home or to return the child to the home, while  
955 assuring that the best interests of the child are the paramount concerns;  
956 (8) If the child has one (1) or more siblings who have been removed from the home,  
957 a description of the efforts made to place the child in a placement that enables the  
958 sibling group to remain together. If a decision is made to not place the siblings  
959 together, a description of the efforts made to provide for frequent and ongoing  
960 visitation or other ongoing interaction between the child and siblings;  
961 (9) Information about the child's education; and  
962 (10) Any other appropriate information as deemed necessary by the Court or the  
963 Department.

964 708.23-2. The Department shall file the initial permanency plan with the Court within sixty (60)  
965 days after the date the child was first removed from the home unless the child is returned to the  
966 home within that time period.

967 708.23-3. The Court shall hold a hearing to review the permanency plan no later than six (6)  
968 months after the date on which the child was first removed from the home and every six months  
969 thereafter for as long as the child is placed outside the home and is found to be in need of protection  
970 or services.

971 (a) At least seven (7) days before the date of the hearing, the Department shall file the  
972 updated permanency plan with the Court and provide a copy to the parties by first-class  
973 mail.

974 (b) All parties, including foster parent(s) shall have a right to be heard at the permanency  
975 plan hearing. Any party may submit written comments to the Court no less than three (3)  
976 business days prior to the hearing date.

977 708.23-4. After the hearing, the Court shall enter a written order addressing the following:

978 (a) The continuing necessity for and the safety and appropriateness of the placement;

979 (b) The compliance with the permanency plan by the Department and any other service  
980 providers, the child's parent(s), and the child;

981 (c) Efforts taken to involve appropriate service providers and Department staff in meeting  
982 the special needs of the child and the child's parent(s);

983 (d) The progress toward eliminating the causes for the child's placement outside the home  
984 and returning the child safely to the home or obtaining a permanent placement for the child;

985 (e) The date by which it is likely that the child will be returned to the home or placed for  
986 adoption, with a guardian, with a fit and willing relative, or in some other permanent living  
987 arrangement;

988 (f) Whether reasonable efforts were made by the Department to achieve the permanency  
989 plan goal(s);

990 (g) Whether reasonable efforts were made by the Department to place the child in a  
991 placement that enables the sibling group to remain together or have frequent visitation or  
992 other ongoing interaction; and

993 (h) The date of the next review hearing, if appropriate.

994

#### 995 **708.24. Change in Placement**

996 708.24-1. The Department, the Nation's Child Welfare attorney, or a party to the dispositional  
997 order may request a change in the placement of the child who is the subject of the dispositional  
998 order by filing a motion with the Court. The Court may also propose a change in placement on its  
999 own motion.

1000 708.24-2. The request for a change in placement shall contain the name and address of the new  
1001 placement requested and shall state what new information is available that affects the advisability  
1002 of the current placement.

1003 708.24-3. If the proposed change in placement moves the child outside of his or her home, the  
1004 request shall contain specific information showing that continued placement of the child in the  
1005 home would be contrary to the best interests of the child and if the Department is making the  
1006 request, specific information showing that the Department has made reasonable efforts to prevent  
1007 the removal of the child from the home, while assuring that the child's best interests are the  
1008 paramount concerns.

1009 708.24-4. Upon filing with the Court, the Department shall provide a copy of the request for a  
1010 change in placement to the parties by first-class mail.

1011 (a) The Department shall schedule a hearing prior to placing the child outside of the home,  
1012 unless emergency conditions that necessitate an immediate change in the placement of a  
1013 child apply.

1014 (b) A hearing is not required when the child currently placed outside the home transfers to  
1015 another out-of-home placement.

1016 (1) A party may request a hearing when the child is transferred to a different out-  
1017 of-home placement by submitting a written request to the Court within ten (10)  
1018 days of being served with the notice of the proposed change.

1019 708.24-5. If a hearing is held, any party may present evidence relevant to the issue of the change  
1020 in placement. In addition, the Court shall give a foster parent or other legal custodian a right to be  
1021 heard at the hearing by permitting the foster parent or other legal custodian to make a written or  
1022 oral statement during the hearing, or to submit a written statement prior to the hearing, relevant to  
1023 the issue of change in placement.

1024 708.24-6. *Emergency Change in Placement.* If emergency conditions necessitate an immediate  
1025 change in the placement of a child, the Department may remove the child to a new placement,  
1026 whether or not authorized by the existing dispositional order. The Department shall notify the  
1027 parties of the emergency change in placement by personal service as soon as possible but no later  
1028 than seventy-two (72) hours after the emergency change in placement excluding Saturdays,  
1029 Sundays, and holidays. If the emergency conditions necessitate an immediate change in placement  
1030 of a child placed in the home to a placement outside the home, the Department shall schedule the  
1031 matter for a hearing as soon as possible but no later than seventy-two (72) hours after the  
1032 emergency change in placement is made, excluding Saturdays, Sundays, and holidays.

1033 708.24-7. The parties may agree to a change in placement by signing a stipulation and filing it  
1034 with the Court for approval.

1035 708.24-8. No change in placement may extend the expiration date of the original dispositional  
1036 order, except that if the change in placement is from a placement in the child's home to a placement  
1037 outside the home the Court may extend the expiration date of the original dispositional order to  
1038 the latest of the following dates, unless the Court specifies a shorter period:

1039 (a) The date on which the child reaches eighteen (18) years of age;

1040 (b) The date that is one (1) year after the date on which the change-in-placement order is  
1041 granted; or

1042 (c) The date on which the child is granted a high school or high school equivalency  
1043 diploma or the date on which the child reaches nineteen (19) years of age, whichever occurs  
1044 first, if the child is a full-time student at a secondary school or its vocational or technical  
1045 equivalent and is reasonably expected to complete the program before reaching nineteen  
1046 (19) years of age.

1047 708.24-9. If the change in placement is from a placement outside the home to a placement in the  
1048 child's home and if the expiration date of the original dispositional order is more than one (1) year  
1049 after the date on which the change-in-placement order is granted, the Court shall shorten the  
1050 expiration date of the original dispositional order to the date that is one (1) year after the date on  
1051 which the change-in-placement order is granted or to an earlier date as specified by the Court.

1052

### 1053 **708.25. Trial Reunification**

1054 708.25-1. The Department or the Nation's Child Welfare attorney may request the Court to order  
1055 a trial reunification. A trial reunification occurs when a child placed in an out-of-home placement  
1056 resides in the home of a parent, guardian, or legal custodian from which the child was removed for

1057 a period of seven (7) consecutive days or longer, but not exceeding one hundred fifty (150) days,  
1058 for the purpose of determining the appropriateness of changing the placement of the child to that  
1059 home. A trial reunification is not a change in placement under section 708.24.

1060 708.25-2. *Request for Trial Reunification.* The Department or the Nation's Child Welfare attorney  
1061 shall include the following in the request for a trial reunification:

- 1062 (a) The name and address of the requested trial reunification home;
- 1063 (b) A statement describing why the trial reunification is in the best interests of the child;
- 1064 and
- 1065 (c) A statement describing how the trial reunification satisfies the objective of the child's
- 1066 permanency plan.

1067 708.25-3. *Emergency Removal of a Child.* A request for a trial reunification may not be made on  
1068 the sole grounds that an emergency condition necessitates an immediate removal of the child from  
1069 the child's out-of-home placement. If an emergency condition necessitates such an immediate  
1070 removal, the Department shall proceed with an emergency change in placement as described in  
1071 section 708.24-6.

1072 708.25-4. *Notice.* The Department or Nation's Child Welfare attorney shall submit the request to  
1073 the Court. Upon filing with the Court and at least seven (7) days before the date of reunification,  
1074 the Department shall provide the parent, guardian, legal custodian, and any other party written  
1075 notice of the proposed reunification by first-class mail. The notice shall contain the information  
1076 that is required to be included in the request under section 708.25-2.

1077 708.25-5. *Trial Reunification Hearing.* Any party who is entitled to receive notice of a requested  
1078 trial reunification may obtain a hearing on the matter by filing an objection with the Court within  
1079 ten (10) days after the trial reunification request was filed with the Court.

1080 (a) If no objection against the trial reunification is filed, the Court may issue an order for  
1081 the trial reunification.

1082 (b) If an objection is filed, a hearing shall be held within forty five (45) days after the  
1083 request was filed with the Court. A trial reunification shall not occur until after the hearing.  
1084 Not less than three (3) business days before the hearing the Court shall provide notice of  
1085 the hearing to all parties.

1086 (1) If a hearing is held and the trial reunification would remove a child from a foster  
1087 home or other placement with a legal custodian, the Court shall give the foster  
1088 parent or other legal custodian a right to be heard at the hearing by permitting the  
1089 foster parent or legal custodian to make a written or oral statement relating to the  
1090 child and the requested trial reunification.

1091 (2) The Court may appoint a guardian ad litem for the child during the trial  
1092 reunification hearing.

1093 708.25-6. *Order.* If the Court finds that the trial reunification is in the best interest of the child  
1094 and that the trial reunification satisfies the objectives of the child's permanency plan, the Court  
1095 shall order the trial reunification. The trial reunification shall terminate ninety (90) days after the  
1096 date of the order, unless the Court specifies a shorter period in the order, or extends or revokes the  
1097 trial reunification. No trial reunification order may extend the expiration date of the original  
1098 dispositional order or any extension of the dispositional order.

1099 708.25-7. *Extension of Trial Reunification.* The Department may request an extension of a trial  
1100 reunification.

1101 (a) *Extension Request.* The request shall contain a statement describing how the trial  
1102 reunification continues to be in the best interests of the child. No later than seven (7) days

1103 prior to the expiration of the trial reunification, the Department shall submit the request to  
1104 the Court and shall cause notice of the request to be provided to all parties by first-class  
1105 mail.

1106 (b) *Extension Hearing.* Any party may obtain a hearing on the requested extension by  
1107 filing an objection with the Court within ten (10) days after the extension request was filed  
1108 with the Court.

1109 (1) If no objection is filed, the Court may order an extension of the trial  
1110 reunification.

1111 (2) If an objection is filed, the Court shall schedule a hearing on the matter. If the  
1112 Court is unable to conduct a hearing on the matter before the trial reunification  
1113 expires, the trial reunification shall remain in effect until the Court is able hold the  
1114 hearing. Not less than three (3) business days before the hearing the Court shall  
1115 provide notice of the hearing to all parties.

1116 (c) *Extension Order.* If the Court finds that the trial reunification continues to be in the  
1117 best interests of the child, the Court shall grant an order extending the trial reunification  
1118 for a period specified by the Court. Any number of extensions may be granted, but the total  
1119 period for a trial reunification may not exceed one hundred and fifty (150) days.

1120 708.25-8. *End of Trial Reunification Period.* When a trial reunification period ends, the  
1121 Department shall do one (1) of the following:

1122 (a) Return the child to his or her out-of-home placement. The Department may do so  
1123 without further order of the Court, but within five (5) days after the return of the child to  
1124 his or her out-of-home placement the Department shall provide the parties with written  
1125 notice of the following by first-class mail:

1126 (1) the date of the return of the child to the out-of-home placement; and

1127 (2) the address of that placement to all parties, unless providing the address would  
1128 present imminent danger to the child;

1129 (b) Request a change in placement under section 708.24 to place the child in a new out-of-  
1130 home placement; or

1131 (c) Request a change in placement under section 708.24 to place the child in the trial  
1132 reunification home.

1133 708.25-9. *Revocation of Trial Reunification.* The Department may determine that a trial  
1134 reunification is no longer in the best interests of the child and revoke the trial reunification before  
1135 the specified trial reunification period ends.

1136 (a) *Revocation Request.* If the Department determines that the trial reunification is no  
1137 longer in the best interests of the child, the Department, without prior order by the Court,  
1138 may remove the child from the trial reunification home and place the child in the child's  
1139 previous out-of-home placement or place the child in a new out-of-home placement.

1140 (1) If the Department places the child in the child's previous out-of-home  
1141 placement, within three (3) business days of removing the child from the trial  
1142 reunification home, the Department shall submit a request for revocation of the trial  
1143 reunification to the Court and shall provide notice of the request to all parties by  
1144 first-class mail. The request shall contain the following information:

1145 (A) the date on which the child was removed from the trial reunification  
1146 home;

1147 (B) the address of the child's current placement, unless providing the  
1148 address would present imminent danger to the child; and



- 1149 (C) the reasons for the proposed revocation.
- 1150 (2) If the Department places the child in a new out-of-home placement, within
- 1151 three (3) business days of removing the child from the trial reunification home, the
- 1152 Department shall request a change in placement under section 708.22. The
- 1153 procedures specified in section 708.24, including all notice procedures, apply to a
- 1154 change in placement requested under this subsection, except that the request shall
- 1155 include the date on which the child was removed from the trial reunification home
- 1156 in addition to the information required in 708.24-2. The trial reunification is
- 1157 revoked when the change in placement order is granted.
- 1158 (b) *Revocation Hearing.* Any party may obtain a hearing on the matter by filing an
- 1159 objection with the Court within ten (10) days after the request was filed with the Court.
- 1160 (1) If no objection is filed, the Court may issue a revocation order.
- 1161 (2) If an objection is filed, the Court shall schedule a hearing on the matter. Not
- 1162 less than three (3) business days before the hearing the Court shall provide notice
- 1163 of the hearing to all parties.
- 1164 (c) *Revocation Order.* If the Court finds that the trial reunification is no longer in the best
- 1165 interests of the child who has been placed in his or her previous out-of-home placement,
- 1166 the Court shall grant an order revoking the trial reunification.
- 1167 **708.25-10. Prohibited Trial Reunifications.** The Court may not order a trial reunification in the
- 1168 home of an adult who has been convicted of the first-degree intentional homicide or the second-
- 1169 degree intentional homicide of a parent of the child or any crime against a child, if the conviction
- 1170 has not been reversed, set aside, vacated or pardoned. If a parent in whose home a child is placed
- 1171 for a trial reunification is convicted of homicide or a crime against a child, and the conviction has
- 1172 not been reversed, set aside, vacated or pardoned, the Court shall revoke the trial reunification and
- 1173 the child shall be returned to his or her previous out-of-home placement, or placed in a new out-
- 1174 of-home placement.
- 1175 (a) *Exception.* A prohibition against trial reunifications based on homicide of a parent or
- 1176 a crime against a child does not apply if the Court determines by clear and convincing
- 1177 evidence that the placement would be in the best interests of the child.
- 1178
- 1179 **708.26. Revision of Dispositional Orders**
- 1180 708.26-1. A party, or the Court on its own motion, may request a revision in the dispositional
- 1181 order that does not involve a change in placement.
- 1182 708.26-2. The request or Court proposal shall set forth in detail the nature of the proposed revision
- 1183 and what new information is available that affects the advisability of the Court's disposition. The
- 1184 request for revision shall be filed with the Court with notice provided to the parties by first-class
- 1185 mail.
- 1186 708.26-3. The Court shall hold a hearing on the matter prior to any revision of the dispositional
- 1187 order if the request or Court proposal indicates that new information is available that affects the
- 1188 advisability of the Court's dispositional order, unless the parties file a signed stipulation and the
- 1189 Court approves.
- 1190 708.26-4. If a hearing is held, any party may present evidence relevant to the issue of revision of
- 1191 the dispositional order. In addition, the Court shall give a foster parent or other legal custodian a
- 1192 right to be heard at the hearing by permitting the foster parent or other legal custodian to make a
- 1193 written or oral statement during the hearing, or to submit a written statement prior to the hearing,
- 1194 relevant to the issue of revision.

1195

**1196 708.27. Extension of Dispositional Orders**

1197 708.27-1. A party, or the Court on its own motion, may request an extension of a dispositional  
1198 order. The request shall be filed with the Court with notice to the parties by first-class mail.

1199 708.27-2. No order may be extended without a hearing, unless the parties file a signed stipulation  
1200 and the Court approves.

1201 708.27-3. Any party may present evidence relevant to the issue of extension. If the child is placed  
1202 outside of his or her home, the Department shall present as evidence specific information showing  
1203 that the Department has made reasonable efforts to achieve the permanency goal of the child's  
1204 permanency plan. In addition, the Court shall give a foster parent or other legal custodian a right  
1205 to be heard at the hearing by permitting the foster parent or other legal custodian to make a written  
1206 or oral statement during the hearing, or to submit a written statement prior to the hearing, relevant  
1207 to the issue of extension.

1208 708.27-4. The Court shall make findings of fact and conclusions of law based on the evidence.  
1209 The findings of fact shall include a finding as to whether reasonable efforts were made by the  
1210 Department to achieve the permanency goal of the child's permanency plan if applicable.

1211 708.27-5. If a request to extend a dispositional order is made prior to the termination of the order,  
1212 but the Court is unable to conduct a hearing on the request prior to the termination date, the order  
1213 shall remain in effect until such time as an extension hearing is conducted.

1214

**1215 708.28. Continuation of Dispositional Orders**

1216 708.28-1. If a petition for suspension or termination of parental rights or guardianship is filed or  
1217 an appeal from a suspension or termination of parental rights or guardianship judgment is filed  
1218 during the year in which a child in need of protection or services dispositional order is in effect,  
1219 the dispositional order shall remain in effect until all proceedings related to the petition or appeal  
1220 are concluded.

1221

**1222 708.29. Guardianship for Certain Children in Need of Protection or Services**

1223 708.29-1. *Conditions for Guardianship.* The Court may appoint a guardian for a child if the Court  
1224 finds all of the following:

1225 (a) That the child has been found to be in need of protection or services under this law and  
1226 has been placed outside of his or her home pursuant to one (1) or more Court orders, or  
1227 that the child has been found to be in need of protection or services and placement of the  
1228 child in the home of a guardian under this section has been recommended by the  
1229 Department at the dispositional hearing;

1230 (b) That the person nominated as the guardian of the child is a person with whom the child  
1231 has been placed or in whose home placement of the child is recommended by the  
1232 Department and that it is likely that the child will continue to be placed with that person  
1233 for an extended period of time or until the child attains the age of eighteen (18) years;

1234 (c) That, if appointed, it is likely that the person would be willing and able to serve as the  
1235 child's guardian for an extended period of time or until the child attains the age of eighteen  
1236 (18) years;

1237 (d) That it is not in the best interests of the child that a petition to suspend or terminate  
1238 parental rights be filed with respect to the child;

1239 (e) That the child's parents are neglecting, refusing or unable to carry out the duties of a  
1240 guardian; and

1241 (f) That the Department has made reasonable efforts to make it possible for the child to  
1242 return to his or her home, while assuring that the child's best interests are the paramount  
1243 concerns, but that reunification of the child with the child's parent(s) is unlikely or contrary  
1244 to the best interests of the child and that further reunification efforts are unlikely to be made  
1245 or are contrary to the best interests of the child or that the Department has made reasonable  
1246 efforts to prevent the removal of the child from his or her home, while assuring the child's  
1247 best interests, but that continued placement of the child in the home would be contrary to  
1248 the best interests of the child.

1249 708.29-2. *Who May File a Petition for Guardianship.* Any of the following persons may file a  
1250 petition for the appointment of a guardian for a child under this section:

- 1251 (a) The child;
- 1252 (b) The child's guardian ad litem;
- 1253 (c) The child's parent;
- 1254 (d) The person with whom the child is placed or in whose home placement of the child is  
1255 recommended by the Department;
- 1256 (e) The Department; or
- 1257 (f) The Nation's Child Welfare attorney.

1258 708.29-3. *Petition for Guardianship.* A proceeding for the appointment of a guardian for a child  
1259 shall be initiated by a petition which shall include the following:

- 1260 (a) The name, birth date, address, and tribal affiliation of the child;
- 1261 (b) The names, birth dates, addresses, and tribal affiliation of the child's parents;
- 1262 (c) A copy of the order adjudicating the child to be in need of protection or services and  
1263 the order placing the child outside of the parental home; and
- 1264 (d) A statement of the facts and circumstances which the petitioner alleges establish that  
1265 the conditions for guardianship specified in section 708.29-1(a)-(f) are met.

1266 708.29-4. *Notice of Petition for Guardianship.* Upon filing with the Court and at least seven (7)  
1267 days prior to the plea hearing, the party that filed the guardianship petition shall provide a copy of  
1268 the petition to the other parties by personal service or, if personal service is not possible, by  
1269 certified mail with return receipt requested.

1270 708.29-5. *Presence of the Proposed Guardian.* The proposed guardian shall be present at all  
1271 guardianship hearings. The Court may waive the appearance requirement for the proposed  
1272 guardian if the Court determines there is good cause.

1273 708.29-6. *Plea Hearing for Guardianship.* A plea hearing to determine whether any party wishes  
1274 to contest a petition for guardianship shall take place no sooner than ten (10) days after the filing  
1275 of the petition. At the hearing, the non-petitioning parties shall state whether they wish to contest  
1276 the petition. Before accepting an admission or a plea of no contest to the allegations in the petition,  
1277 the Court shall do all of the following:

- 1278 (a) Address the parties present and determine that the admission or plea of no contest is  
1279 made voluntarily and with understanding of the nature of the facts alleged in the petition,  
1280 the nature of the potential outcomes and possible dispositions by the Court and the nature  
1281 of the legal consequences of that disposition;
- 1282 (b) Establish whether any promises or threats were made to elicit the admission or plea of  
1283 no contest; and
- 1284 (c) Make inquiries to establish to the satisfaction of the Court that there is a factual basis  
1285 for the admission or plea of no contest.

1286 708.29-7. If the petition is not contested and if the Court accepts the admission or plea of no  
1287 contest, the Court may immediately proceed to a dispositional hearing unless an adjournment is  
1288 requested.

1289 708.29-8. If the petition is contested or if the Court does not accept the admission or plea of no  
1290 contest, the Court shall set a date for a fact-finding hearing which allows reasonable time for the  
1291 parties to prepare but is not more than sixty (60) days after the plea hearing, unless the Court enters  
1292 an order finding good cause to go outside the time limits.

1293 (a) If the petition is contested, the Court shall order the Department to file with the Court  
1294 a report containing as much information relating to the appointment of a guardian as is  
1295 reasonably ascertainable, including an assessment of the conditions for guardianship  
1296 specified in section 708.29-1(a)-(f). Upon filing with the Court and at least seven (7) days  
1297 prior to the hearing, the Department shall provide the parent, guardian, legal custodian,  
1298 proposed guardian, and any other parties a written copy of the report by first-class mail.

1299 708.29-9. *Fact Finding Hearing for Guardianship.* The Court shall hold a fact-finding hearing  
1300 on the petition at which any party may present evidence relevant to the issue of whether the  
1301 conditions for guardianship have been met. If the Court, at the conclusion of the fact-finding  
1302 hearing, finds by clear and convincing evidence that the conditions for guardianship specified in  
1303 section 708.29-1(a)-(f) have been met, the Court shall immediately proceed to a dispositional  
1304 hearing unless an adjournment is requested.

1305 708.29-10. *Dispositional Hearing for Guardianship.* The Court shall hold a dispositional hearing  
1306 at which any party may present evidence, including expert testimony, relevant to the disposition.  
1307 In determining the appropriate disposition for guardianship, the Court shall use the best interests  
1308 of the child as the prevailing factor to be considered by the Court. In making a decision about the  
1309 appropriate disposition, the Court shall consider any report submitted by the Department and shall  
1310 consider, but not be limited to, all of the following:

- 1311 (a) Whether the person would be a suitable guardian of the child;  
1312 (b) The willingness and ability of the person to serve as the child's guardian for an extended  
1313 period of time or until the child reaches the age of eighteen (18) years; and  
1314 (c) The wishes of the child, if the child has the capacity to express their wishes.

1315 708.29-11. *Dispositional Order for Guardianship.* After receiving any evidence relating to the  
1316 disposition, the Court shall enter one of the following dispositions and issue a written decision  
1317 consistent with the Oneida Judiciary Rules of Civil Procedure:

- 1318 (a) A disposition dismissing the petition if the Court determines that appointment of the  
1319 person as the child's guardian is not in the best interests of the child; or  
1320 (b) A disposition ordering that the proposed guardian be appointed as the child's guardian  
1321 if the Court determines that such an appointment is in the best interests of the child.

1322 708.29-12. If the Court appoints a guardian for the child, the Court may dismiss the dispositional  
1323 order finding that the child is in need of protection or services.

1324

### 1325 **708.30. Revisions of Guardianship Order**

1326 708.30-1. Any person authorized to file a guardianship petition or the Court, on its own motion  
1327 may request a revision in a guardianship order.

1328 708.30-2. The motion or Court proposal shall set forth in detail the nature of the proposed revision,  
1329 shall allege facts sufficient to show that there has been a substantial change in circumstances since  
1330 the last order affecting the guardianship was entered and that the proposed revision would be in  
1331 the best interests of the child and shall allege any other information that affects the advisability of

1332 the Court's disposition. The motion for the revision shall be filed with the Court and, upon filing,  
1333 a written copy shall be provided to all parties by first-class mail.

1334 (a) The Court may order the Department to file with the Court a report containing as much  
1335 information relating to the revision of the guardianship as is reasonably ascertainable. Upon  
1336 filing with the Court and at least seven (7) days prior to the revision hearing, the  
1337 Department shall provide the parties with a written copy of the report by first-class mail.

1338 708.30-3. The Court shall hold a hearing on the matter prior to any revision of the guardianship  
1339 order if the motion or Court proposal indicates that new information is available which affects the  
1340 advisability of the Court's guardianship order, unless the parties file a signed stipulation and the  
1341 Court approves.

1342

### 1343 **708.31. Termination of Guardianship**

1344 708.31-1. A guardianship under this law shall continue until any of the following are met,  
1345 whichever occurs earlier:

1346 (a) The date on which the child attains eighteen (18) years of age;

1347 (b) The date on which the child is granted a high school or high school equivalency  
1348 diploma or the date on which the child reaches nineteen (19) years of age, whichever occurs  
1349 first, if the child is a full-time student at a secondary school or its vocational or technical  
1350 equivalent and is reasonably expected to complete the program before reaching nineteen  
1351 (19) years of age; or

1352 (c) The date on which the Court terminates the guardianship order.

1353 708.31-2. A parent of the child may request that a guardianship order be terminated. The request  
1354 shall allege facts sufficient to show that there has been a substantial change in circumstances since  
1355 the last order affecting the guardianship was entered, that the parent is willing and able to carry  
1356 out the duties of a guardian and that the proposed termination of guardianship would be in the best  
1357 interests of the child. The Court shall hold a hearing on the matter unless the parties file a signed  
1358 stipulation and the Court approves.

1359 (a) The Court may order the Department to file with the Court a report containing as much  
1360 information relating to the termination of the guardianship as is reasonably ascertainable,  
1361 including a re-assessment of the conditions for guardianship specified in section 708.29-  
1362 1(a)-(f). Upon filing with the Court and at least seven (7) days prior to the termination  
1363 hearing, the Department shall provide the parties with a written copy of the report by first-  
1364 class mail.

1365 708.31-3. Any person authorized to file a petition for guardianship may request that an appointed  
1366 guardian be removed for cause or the Court may, on its own motion, propose such a removal. The  
1367 request or Court proposal shall allege facts sufficient to show that the guardian is or has been  
1368 neglecting, is or has been refusing, or is or has been unable to discharge the guardian's trust and  
1369 may allege facts relating to any other information that affects the advisability of the Court's  
1370 disposition. The Court shall hold a hearing on the matter.

1371 708.31-4. A guardian appointed under this law may resign at any time if the resignation is accepted  
1372 by the Court.

1373

1374 **708.32. Suspension or Termination of Parental Rights**

1375 708.32-1. It is the philosophy of the Nation that children deserve a sense of permanency and  
1376 belonging throughout their lives and at the same time they deserve to have knowledge about their  
1377 unique cultural heritage including their tribal customs, history, language, religion and values.

1378 708.32-2. It is the philosophy of the Nation that a united and complete family unit is of the utmost  
1379 value to the community and the individual family members, and that the parent-child relationship  
1380 is of such vital importance that it should be suspended or terminated only as a last resort when all  
1381 efforts have failed to avoid suspension or termination and it is in the best interests of the child  
1382 concerned to proceed with the suspension or termination of parental rights.

1383 708.32-3. *Suspension of Parental Rights.* The suspension of parental rights is the permanent  
1384 suspension of the rights of biological parents to provide for the care, custody, and control of their  
1385 child.

1386 708.32-4. *Termination of Parental Rights.* The termination of parental rights means that all rights,  
1387 powers, privileges, immunities, duties and obligations existing between biological parent and child  
1388 are permanently severed.

1389 708.32-5. The Court may suspend or terminate a parent's rights on a voluntary or involuntary  
1390 basis.

1391 708.32-6. An order suspending or terminating parental rights permanently severs all legal rights  
1392 and duties between the parent whose parental rights are suspended or terminated and the child.

1393 708.32-7. The suspension or termination of parental rights shall not adversely affect the child's  
1394 rights and privileges as a member of the Nation, nor as a member of any tribe to which the child  
1395 is entitled to membership, nor shall it affect the child's enrollment status with the Nation, nor shall  
1396 it interfere with the child's cultural level and traditional and spiritual growth as a member of the  
1397 Nation.

1398

1399 **708.33. Voluntary Suspension or Termination of Parental Rights**

1400 708.33-1. The Court may suspend or terminate the parental rights of a parent after the parent has  
1401 given his or her consent. When such voluntary consent is given and the Department has submitted  
1402 a court report pursuant to section 708.38, the Court may proceed immediately to a dispositional  
1403 hearing.

1404 708.33-2. The Court may accept a voluntary consent to suspension or termination of parental  
1405 rights only if the parent appears personally at the hearing and gives his or her consent to the  
1406 suspension or termination of his or her parental rights. The Court may accept the consent only after  
1407 the judge has explained the effect of suspension or termination of parental rights and has  
1408 questioned the parent, and/or has permitted counsel who represents any of the parties to question  
1409 the parent, and is satisfied that the consent is informed and voluntary. If the Court finds that it  
1410 would be difficult or impossible for the parent to appear in person at the hearing, the Court may  
1411 allow the parent to appear by telephone or live audiovisual means.

1412 708.33-3. If in any proceeding to suspend or terminate parental rights voluntarily any party has  
1413 reason to doubt the capacity of a parent to give informed and voluntary consent to the suspension  
1414 or termination, he or she shall so inform the Court. The Court shall then inquire into the capacity  
1415 of that parent in any appropriate way and shall make a finding as to whether or not the parent is  
1416 capable of giving informed and voluntary consent to the suspension or termination. If in the  
1417 Court's discretion a person is found incapable of knowingly and voluntarily consenting to the  
1418 suspension or termination of their parental rights, the Court shall dismiss the voluntary proceedings

1419 without prejudice. That dismissal shall not preclude an involuntary suspension or termination of  
1420 the parent's rights.

1421 708.33-4. A parent who has executed a consent under this section may withdraw the consent for  
1422 any reason at any time prior to the entry of a final order suspending or terminating parental rights.

1423 708.33-5. Any consent given under this section prior to or within ten (10) days after the birth of  
1424 the child is not valid.

1425 708.33-6. The parties, and the placement provider or adoptive resource, may agree to attend  
1426 peacemaking to establish an agreement regarding post-voluntary suspension or termination of  
1427 parental rights contact with a birth parent, birth sibling, or other birth relative of the child.

1428 (a) Any party to a post-voluntary suspension or termination contact agreement or the  
1429 child who is the subject of the proceedings may petition the Court that approved the  
1430 agreement to compel any person who is bound by the agreement to comply with the  
1431 agreement. The petition shall allege facts sufficient to show that a person who is bound  
1432 by the agreement is not in compliance with the agreement and that the petitioner, before  
1433 filing the petition, attempted in good faith to resolve the dispute giving rise to the filing  
1434 of the petition. The petition may also allege facts showing that the noncompliance with  
1435 the agreement is not in the best interests of the child.

1436 (b) After receiving a petition for action regarding a post-voluntary suspension or  
1437 termination contact agreement the Court shall set a date and time for a hearing on the  
1438 petition and shall provide notice of the hearing to all parties to the agreement and may  
1439 reappoint a guardian ad litem for the child.

1440 (c) If the Court finds, after hearing, that any person bound by the agreement is not in  
1441 compliance with the agreement and that the petitioner, before filing the petition,  
1442 attempted in good faith to resolve the dispute giving rise to the filing of the petition,  
1443 the Court shall issue an order requiring the person to comply with the agreement and  
1444 may find a party in contempt.

1445 (d) The Court may not revoke a suspension or termination of parental rights order or  
1446 an order of adoption because an adoptive parent or other custodian of the child or a  
1447 birth parent, birth sibling, or other birth relative of the child fails to comply with a post-  
1448 voluntary suspension or termination contact agreement; however, the parties may  
1449 return to peacemaking to revise the agreement, or the Court may amend an order if it  
1450 finds an amendment to the order is in the best interests of the child.

1451

#### 1452 **708.34. Grounds for Involuntary Suspension or Termination of Parental Rights**

1453 708.34-1. Grounds for suspension or termination of parental rights shall be any of the following:

1454 (a) *Abandonment*. Abandonment occurs when a parent either deserts a child without any  
1455 regard for the child's physical health, safety or welfare and with the intention of wholly  
1456 abandoning the child, or in some instances, fails to provide necessary care for their child.

1457 (1) Abandonment shall be established by proving any of the following:

1458 (A) That the child has been left without provision for the child's care or  
1459 support, the petitioner has investigated the circumstances surrounding the  
1460 matter and for sixty (60) consecutive days the petitioner has been unable to  
1461 find either parent;

1462 (B) That the child has been left by the parent without provision for the  
1463 child's care or support in a place or manner that exposes the child to  
1464 substantial risk of great bodily harm or death;

- 1465 (C) That a court of competent jurisdiction has found any of the  
1466 following:
- 1467 (i) That a child has been abandoned under Wis. Stat. 48.13 (2) or  
1468 under a law of any other state or a federal law that is comparable to  
1469 the state law;
- 1470 (ii) That the child was abandoned when the child was under one (1)  
1471 year of age or has found that the parent abandoned the child when  
1472 the child was under one (1) year of age in violation of Wis. Stat.  
1473 948.20 or in violation of the law of any other state or federal law, if  
1474 that violation would be a violation of abandonment of a child under  
1475 Wis. Stat. 948.20 if committed in this state;
- 1476 (D) That the child has been placed, or continued in a placement, outside the  
1477 parent's home by a Court order containing the required notice and the parent  
1478 has failed to visit or communicate with the child for a period of three (3)  
1479 months or longer; or
- 1480 (E) The child has been left by the parent with any person, the parent knows  
1481 or could discover the whereabouts of the child and the parent has failed to  
1482 visit or communicate with the child for a period of six (6) consecutive  
1483 months or longer.
- 1484 (2) Incidental contact between parent and child shall not preclude the Court from  
1485 finding that the parent has failed to visit or communicate with the child. The time  
1486 periods under sections 708.34-1(a)(1)(D) and 708.34-1(a)(1)(E) shall not include  
1487 any periods during which the parent has been prohibited by Court order from  
1488 visiting or communicating with the child.
- 1489 (3) Abandonment is not established under sections 708.34-1(a)(1)(D) and 708.34-  
1490 1(a)(1)(E) if the parent proves all of the following by clear and convincing  
1491 evidence:
- 1492 (A) That the parent had good cause for having failed to visit with the child  
1493 throughout the three (3) or six (6) month time period alleged in the petition.
- 1494 (B) That the parent had good cause for having failed to communicate with  
1495 the child throughout the three (3) or six (6) month time period alleged in the  
1496 petition.
- 1497 (C) If the parent proves good cause under section 708.34-1(a)(3)(B),  
1498 including good cause based on evidence that the child's age or condition  
1499 would have rendered any communication with the child meaningless, that  
1500 one (1) of the following occurred:
- 1501 (i) The parent communicated about the child with the person or  
1502 persons who had physical custody of the child during the three (3) or  
1503 six (6) month time period alleged in the petition, whichever is  
1504 applicable, or, with the Department during the three (3) month time  
1505 period alleged in the petition.
- 1506 (ii) The parent had good cause for having failed to communicate about  
1507 the child with the person or persons who had physical custody of the  
1508 child or the Department throughout the three (3) or six (6) month time  
1509 period alleged in the petition.



- 1510 (b) *Relinquishment*. Relinquishment occurs when a parent gives up or abandons their child  
1511 and all rights to their child. Relinquishment shall be established by proving that a court of  
1512 competent jurisdiction has found that the parent has relinquished custody of the child when  
1513 the child was seventy-two (72) hours old or younger.
- 1514 (c) *Continuing Need of Protection or Services*. Continuing need of protection or services  
1515 shall be established by proving any of the following:
- 1516 (1) That the child has been found to be in need of protection or services and placed,  
1517 or continued in a placement, outside his or her home pursuant to one (1) or more  
1518 dispositional orders containing the notice required by section 708.22-8;
- 1519 (2) That the Department has made a reasonable effort to provide the services  
1520 ordered by the Court;
- 1521 (3) That the child has been outside the home for a cumulative total period of six (6)  
1522 months or longer pursuant to such orders; and that the parent has failed to meet the  
1523 conditions established for the safe return of the child to the home and, if the child  
1524 has been placed outside the home for less than fifteen (15) of the most recent  
1525 twenty-two (22) months, that there is a substantial likelihood that the parent will  
1526 not meet these conditions as of the date on which the child will have been placed  
1527 outside the home for fifteen (15) of the most recent twenty-two (22) months, not  
1528 including any period during which the child was a runaway from the out-of-home  
1529 placement or was residing in a trial reunification home.
- 1530 (d) *Continuing Parental Disability*. Continuing parental disability shall be established by  
1531 proving that:
- 1532 (1) The parent is presently, and for a cumulative total period of at least two (2)  
1533 years within the five (5) years immediately prior to the filing of the petition has  
1534 been, an inpatient at one (1) or more hospitals as defined in either the Nation's laws  
1535 or state law;
- 1536 (2) The condition of the parent is likely to continue indefinitely; and
- 1537 (3) The child is not being provided with adequate care by a relative who has legal  
1538 custody of the child, or by a parent or a guardian.
- 1539 (e) *Continuing Denial of Periods of Physical Placement or Visitation*. Continuing denial  
1540 of periods of physical placement or visitation shall be established by proving all of the  
1541 following:
- 1542 (1) The parent has been denied periods of physical placement by Court order in an  
1543 action affecting the family or has been denied visitation under a dispositional order  
1544 containing the notice required by section 708.22-8, Wis. Stat. 48.356(2), or Wis.  
1545 Stat. 938.356 (2); and
- 1546 (2) A Court order has denied the parent periods of physical placement or visitation  
1547 for at least one (1) year.
- 1548 (f) *Child Abuse*. Child abuse shall be established by proving that the parent has committed  
1549 child abuse against the child who is the subject of the petition and proving either of the  
1550 following:
- 1551 (1) That the parent has caused death or injury to a child resulting in a felony  
1552 conviction; or
- 1553 (2) That a child has previously been removed from the parent's home pursuant to a  
1554 dispositional order after an adjudication that the child is in need of protection or  
1555 services.

1556 (g) *Failure to Assume Parental Responsibility.* Failure to assume parental responsibility  
1557 shall be established by proving that the parent or the person(s) who may be the parent of  
1558 the child have not had a substantial parental relationship with the child.

1559 (1) In evaluating whether the person has had a substantial parental relationship with  
1560 the child, the Court may consider such factors, including, but not limited to, the  
1561 following:

1562 (A) Whether the person has expressed concern for or interest in the support,  
1563 care or well-being of the child;

1564 (B) Whether the person has neglected or refused to provide care or support for  
1565 the child; and

1566 (C) Whether, with respect to a person who is or may be the father of the child,  
1567 the person has expressed concern for or interest in the support, care or well-  
1568 being of the mother during her pregnancy.

1569 (h) *Incestuous Parenthood.* Incestuous parenthood shall be established by proving that the  
1570 person whose parental rights are sought to be terminated is also related, either by blood or  
1571 adoption, to the child's other parent in a degree of kinship closer than 2nd cousin.

1572 (i) *Homicide or Solicitation to Commit Homicide of a Parent.* Homicide or solicitation to  
1573 commit homicide of a parent, which shall be established by proving that a parent of the  
1574 child has been a victim of first-degree intentional homicide, first-degree reckless homicide  
1575 or 2nd-degree intentional homicide or a crime under federal law or the law of any other  
1576 state that is comparable to any of those crimes, or has been the intended victim of a  
1577 solicitation to commit first-degree intentional homicide or a crime under federal law or the  
1578 law of any other state that is comparable to that crime, and that the person whose parental  
1579 rights are sought to be terminated has been convicted of that intentional or reckless  
1580 homicide, solicitation or crime as evidenced by a final judgment of conviction.

1581 (j) *Parenthood as a Result of Sexual Assault.*

1582 (1) Parenthood as a result of sexual assault shall be established by proving that the  
1583 child was conceived as a result of one of the following:

1584 (A) First degree sexual assault [under Wis. Stats. 940.225(1)];

1585 (B) Second degree sexual assault [under Wis. Stat. 940.225 (2)];

1586 (C) Third degree sexual assault [under Wis. Stat. 940.225(3)];

1587 (D) First degree sexual assault of a child [under Wis. Stat. 948.02(1)];

1588 (E) Second degree sexual assault of a child [under Wis. Stat. 948.02 (2)];

1589 (F) Engaging in repeated acts of sexual assault of the same child [under Wis.  
1590 Stat. 948.025]; or

1591 (G) Sexual assault of a child placed in substitute care [under Wis. Stat.  
1592 948.085].

1593 (2) Conception as a result of sexual assault may be proved by a final judgment of  
1594 conviction or other evidence produced at a suspension or termination of parental  
1595 rights fact-finding hearing indicating that the person who may be the parent of the  
1596 child committed, during a possible time of conception, a sexual assault as specified  
1597 in this section against the other parent of the child.

1598 (3) If the conviction or other evidence indicates that the child was conceived as a  
1599 result of a sexual assault in violation of Wis. Stat. 948.02 (1) or (2) or 948.085, the  
1600 parent of the child may be heard on his or her desire for the suspension or  
1601 termination of the other parent's parental rights.

- 1602 (k) *Commission of a Felony Against a Child.*  
1603 (1) Commission of a serious felony against the child, shall be established by  
1604 proving that the child was the victim of a serious felony and parent was convicted  
1605 of that serious felony.  
1606 (2) In this subsection, “serious felony” means any of the following:  
1607 (A) The commission of, the aiding or abetting of, or the solicitation,  
1608 conspiracy or attempt to commit, a violation of any of the following:  
1609 (i) First degree intentional homicide [under Wis. Stat. 940.01];  
1610 (ii) First degree reckless homicide [under Wis. Stat. 940.02];  
1611 (iii) Felony murder [under Wis. Stat. 940.03];  
1612 (iv) Second-degree intentional homicide [under Wis. Stat. 940.05]; or  
1613 (v) A violation of the law of any other state or federal law, if that  
1614 violation would be a violation of the above-mentioned felonies if  
1615 committed in Wisconsin.  
1616 (B) The commission of a violation of any of the following:  
1617 (i) Battery, substantial battery, aggravated battery [under Wis. Stat.  
1618 940.19 (3), 1708 stats., or Wis. Stats. 940.19 (2), (4) or (5)];  
1619 (ii) Sexual assault [under Wis. Stat. 940.225 (1) or (2)];  
1620 (iii) Sexual assault of a child [under Wis. Stat. 948.02 (1) or (2)];  
1621 (iv) Engaging in repeated acts of sexual assault of the same child [under  
1622 Wis. Stat. 948.025];  
1623 (v) Physical abuse of a child [under Wis. Stats. 948.03 (2) (a), (3) (a),  
1624 or (5) (a) 1., 2., or 3.];  
1625 (vi) Sexual exploitation of a child [under Wis. Stat. 948.05];  
1626 (vii) Trafficking of a child [under Wis. Stat. 948.051];  
1627 (viii) Incest with a child [under Wis. Stat. 948.06];  
1628 (ix) Soliciting a child for prostitution [under Wis. Stat. 948.08];  
1629 (x), Human trafficking [under Wis. Stat. 940.302 (2) if Wis. Stat.  
1630 940.302 (2) (a) 1. b. applies]; or  
1631 (xi) A violation of the law of any other state or federal law, if that  
1632 violation would be a violation listed under the above listed felonies if  
1633 committed in Wisconsin.  
1634 (C) The commission of a violation of neglecting a child under Wis. Stat.  
1635 948.21 or a violation of the law of any other state or federal law, if that  
1636 violation would be a violation of Wis. Stat. 948.21 if committed in this state,  
1637 that resulted in the death of the victim.  
1638 (l) *Prior Involuntary Suspension or Termination of Parental Rights of Another Child.*  
1639 Prior involuntary suspension or termination of parental rights to another child shall be  
1640 established by proving all of the following:  
1641 (1) That the child who is the subject of the petition is in need of protection or  
1642 services under section 708.5-2(b), (d), or (k); or that the child who is the subject of  
1643 the petition was born after the filing of a petition under this subsection whose  
1644 subject is a sibling of the child; and  
1645 (2) That, within three (3) years prior to the date the Court determined the child to  
1646 be in need of protection or services as specified in section 708.34-1 (l) (1) or, in the  
1647 case of a child born after the filing of a petition as specified in section 708.34-1 (l)

1648 (1), within three (3) years prior to the date of birth of the child, a Court has ordered  
1649 the suspension or termination of parental rights with respect to another child of the  
1650 person whose parental rights are sought to be suspended or terminated on one or  
1651 more of the grounds specified in this section.  
1652

1653 **708.35. Petition for Suspension or Termination of Parental Rights**

1654 708.35-1. *Who May File a Petition for Suspension or Termination of Parental Rights.* A petition  
1655 for the suspension or termination of parental rights shall be filed by the:

- 1656 (a) Nation's Child Welfare attorney;  
1657 (b) Department; or  
1658 (c) child's parent in the case of a step-parent adoption.

1659 708.35-2. A petition for the suspension or termination of parental rights shall be filed when the  
1660 child has been placed outside of his or her home for fifteen (15) of the most recent twenty-two (22)  
1661 months or if grounds exist for suspension or termination of parental rights unless any of the  
1662 following applies:

- 1663 (a) The child is being cared for by a fit and willing relative of the child;  
1664 (b) The child's permanency plan indicates and provides documentation that suspension or  
1665 termination of parental rights to the child is not in the best interests of the child;  
1666 (c) The Department, if required by a dispositional order, failed to make reasonable efforts  
1667 to make it possible for the child to return safely to his or her home or did not provide or  
1668 refer services to the family of the child for the safe return of the child to his or her home  
1669 that were consistent with the permanency plan; or  
1670 (d) Grounds for an involuntary suspension or termination of parental rights do not exist.

1671 708.35-3. A petition for the suspension or termination of parental rights shall include the following  
1672 information:

- 1673 (a) The name, birth date, address, and tribal affiliation of the child;  
1674 (b) The names, birth dates, addresses, and tribal affiliation of the child's parents;  
1675 (c) A Uniform Child Custody Jurisdiction and Enforcement Act affidavit; and  
1676 (d) One (1) of the following:  
1677 (1) A statement that consent will be given to voluntary suspension or termination  
1678 of parental rights as provided in section 708.33; or  
1679 (2) A statement of the grounds for involuntary suspension or termination of  
1680 parental rights under section 708.34 and a statement of the facts and circumstances  
1681 which the petitioner alleges establish these grounds.

1682 708.35-4. *Temporary Order and Injunction Prohibiting Contact.* If the petition includes a  
1683 statement of the grounds for involuntary suspension or termination of parental rights, the petitioner  
1684 may, at the time the petition is filed, also petition the Court for a temporary order and an injunction  
1685 prohibiting the person whose parental rights are sought to be suspended or terminated from visiting  
1686 or contacting the child who is the subject of the petition. Any petition under this section shall  
1687 allege facts sufficient to show that prohibiting visitation or contact would be in the best interests  
1688 of the child.

- 1689 (a) The Court may grant an injunction prohibiting the respondent from visiting or  
1690 contacting the child if the Court determines that the prohibition would be in the best  
1691 interests of the child. An injunction under this subsection is effective according to its terms  
1692 but may not remain in effect beyond the date the Court dismisses the petition for suspension

1693 or termination of parental rights or issues an order suspending or terminating parental  
1694 rights.

1695 708.35-5. Upon filing with the Court and at least seven (7) days prior to the initial hearing, the  
1696 petitioner shall serve the summons and petition upon the following persons by personal service or,  
1697 if personal service is not possible, by certified mail, return receipt requested:

1698 (a) The parent(s) of the child, including an alleged father if paternity has not been  
1699 established; and

1700 (b) The child's foster parent, guardian or legal custodian, if applicable. If the address has  
1701 been marked confidential by the Court, the Court shall send a copy of the summons and  
1702 petition to the home in which the child is placed via first-class U.S. mail.  
1703

### 1704 **708.36. Initial Hearing on the Suspension or Termination of Parental Rights Petition**

1705 708.36-1. The initial hearing on the petition to suspend or terminate parental rights shall be held  
1706 within forty-five (45) days after the petition is filed. At the hearing the Court shall determine  
1707 whether any party wishes to contest the petition and inform the parties of their rights.

1708 708.36-2. If the petition is contested, the Court shall set a date for a fact-finding hearing to be held  
1709 within sixty (60) days after the hearing on the petition, unless the Court enters an order finding  
1710 good cause to go outside the time limits.

1711 708.36-3. If the petition is not contested, the Court shall hear testimony in support of the  
1712 allegations in the petition and may proceed immediately with a dispositional hearing if the parties  
1713 agree. Before accepting an admission of the alleged facts in a petition, the Court shall:

1714 (a) Address the parties present and determine that the admission is made voluntarily with  
1715 understanding of the nature of the acts alleged in the petition and the potential outcomes  
1716 and possible dispositions by the Court;

1717 (b) Establish whether any promises or threats were made to elicit an admission; and

1718 (c) Make such inquiries to establish a factual basis for the admission.  
1719

### 1720 **708.37. Fact Finding Hearing for a Suspension or Termination of Parental Rights**

1721 708.37-1. The fact-finding hearing is a hearing conducted by the Court to determine whether there  
1722 is clear and convincing evidence to establish that grounds exist for the suspension or termination  
1723 of parental rights.

1724 708.37-2. The fact-finding hearing shall be conducted according to the Oneida Judiciary Rules of  
1725 Civil Procedure except that the Court may exclude the child from the hearing.

1726 708.37-3. If grounds for the suspension or termination of parental rights are found by the Court,  
1727 the Court shall find the parent(s) unfit. A finding of unfitness shall not prevent a dismissal of a  
1728 suspension or termination of parental rights petition. Unless the parties agree to proceed  
1729 immediately with the dispositional hearing and the Court accepts, the Court shall set a date for a  
1730 dispositional hearing no later than forty-five (45) days after the fact-finding hearing, unless the  
1731 Court enters an order finding good cause to go outside the time limits.  
1732

### 1733 **708.38. Department's Suspension or Termination of Parental Rights Report**

1734 708.38-1. In any case that the Department is a party, the Department shall submit a written report  
1735 to the Court prior to any dispositional hearing, with a copy to the parties by first-class mail no later  
1736 than seven (7) days prior to the hearing, which shall contain all of the following:

1737 (a) The social history of the child and family, including any relevant medical conditions;

- 1738 (b) A statement of the facts supporting the need for suspension or termination of parental  
1739 rights;
- 1740 (c) If the child has been previously adjudicated to be in need of protection or services, a  
1741 statement of the steps the Department has taken to remedy the conditions responsible for  
1742 Court intervention and the parent's response to and cooperation with these services. If the  
1743 child has been removed from the home, the report shall also include a statement of the  
1744 reasons why the child cannot be returned safely to the family and the steps the Department  
1745 has taken to effect this return;
- 1746 (d) A statement applying the standards and factors identified in sections 708.39-2 and  
1747 708.39-3 regarding the case before the Court; and
- 1748 (e) If the report recommends that the parental rights of both of the child's parents or the  
1749 child's only living or known parent are to be suspended or terminated, the report shall  
1750 contain a statement of the likelihood that the child will be adopted. This statement shall  
1751 include a presentation of the factors that might prevent adoption, those that may facilitate  
1752 adoption, and the Department shall be responsible for accomplishing the adoption.
- 1753 (1) If the Department determines that it is unlikely that the child will be adopted,  
1754 or if adoption would not be in the best interests of the child, the report shall include  
1755 a plan for placing the child in a permanent family setting. The plan shall include a  
1756 recommendation for the appointment of a guardian for the child.
- 1757 708.38-2. The Court may order a report as specified under this section to be prepared by the  
1758 Department in those cases where the Department is not a party.

1759

**708.39. Standards and Factors**

1760  
1761 708.39-1. In making a decision about the appropriate disposition for suspension or termination of  
1762 parental rights, the Court shall consider the standards and factors enumerated in this section and  
1763 any report submitted by the Department.

1764 708.39-2. The best interests of the child shall be the prevailing standard considered by the Court  
1765 in determining the disposition of all suspension and termination of parental rights proceedings.

1766 708.39-3. In considering the best interests of the child the Court shall also consider, but not be  
1767 limited to, the following factors:

- 1768 (a) The likelihood of the child's adoption after suspension or termination;
- 1769 (b) Whether the child will be raised in an environment that is respectful of the child's  
1770 race(s), culture(s), and heritage(s);
- 1771 (c) The age and health of the child, both at the time of the disposition and, if applicable, at  
1772 the time the child was removed from the home;
- 1773 (d) Whether the child has substantial relationships with the parent or other family  
1774 members, and whether it would be harmful to the child to sever these relationships;
- 1775 (e) The wishes of the child, if the child has the capacity to express their wishes;
- 1776 (f) The duration of the separation of the parent from the child; and
- 1777 (g) Whether the child will be able to enter into a more stable and permanent family  
1778 relationship as a result of the suspension or termination, taking into account the conditions  
1779 of the child's current placement, the likelihood of future placements and the results of prior  
1780 placements.

1781

1782 **708.40. Dispositional Hearings for Suspension or Termination of Parental Rights**

1783 708.40-1. Any party may present evidence relevant to the issue of disposition, including expert  
1784 testimony, and may make alternative dispositional recommendations to the Court. After receiving  
1785 any evidence related to the disposition, the Court shall enter a disposition and issue a written  
1786 decision consistent with the Oneida Judiciary Rules of Civil Procedure.

1787 (a) The Court shall give the foster parent or other legal custodian a right to be heard at the  
1788 dispositional hearing by permitting the foster parent or other legal custodian to make a  
1789 written or oral statement during the dispositional hearing, or to submit a written statement  
1790 prior to disposition, relevant to the issue of disposition.

1791 708.40-2. The Court shall enter one (1) of the following dispositions:

1792 (a) The Court may dismiss the petition if it finds the evidence does not warrant the  
1793 suspension or termination of parental rights or if the Court finds that a parent is attempting  
1794 to voluntarily suspend or terminate their parental rights for the sole purpose of avoiding a  
1795 child support obligation; or

1796 (b) The Court may enter an order suspending or terminating the parental rights of one or  
1797 both parents.

1798 708.40-3. If the rights of both parents, or of the only living parent, are suspended or terminated  
1799 and if a guardian has not been appointed, the Court shall do one (1) of the following while adhering  
1800 to the placement preferences pursuant to section 708.11-1 when possible:

1801 (a) Transfer guardianship and custody of the child pending adoptive placement to:

1802 (1) A tribal or county department authorized to accept guardianship;

1803 (2) A child welfare agency licensed to accept guardianship;

1804 (3) The State of Wisconsin upon written confirmation from the State that they are  
1805 willing to accept guardianship;

1806 (4) A relative with whom the child resides, if the relative has filed a petition to  
1807 adopt the child or if the relative is a kinship care relative or is receiving payments  
1808 for providing care and maintenance for the child; or

1809 (5) An individual who has been appointed guardian of the child by a court of a  
1810 competent jurisdiction; or

1811 (b) Appoint a guardian and transfer guardianship and custody of the child to the guardian.

1812 708.40-4. The written Court order shall include the following:

1813 (a) If the Court dismisses the petition, the order shall contain the reasons for dismissal; or

1814 (b) If the disposition is for the suspension or termination of parental rights, the order shall  
1815 contain all of the following:

1816 (1) The identity of any agency, department, or individual that has received  
1817 guardianship of the child;

1818 (2) If an agency or department receives guardianship and custody of the child, an  
1819 order ordering the child into the placement and care responsibility of the agency or  
1820 department and assigning the agency or department primary responsibility for  
1821 providing services to the child; and

1822 (3) A finding that the suspension or termination of parental rights is in the best  
1823 interests of the child.

1824 (c) If the disposition is for the suspension or termination of parental rights, the order may  
1825 contain all of the following:

1826 (1) A termination of the right of the parent to have contact with the minor child  
1827 including contact in person, by mail, by telephone, or through third parties;

1828 (2) Order restraining a parent from contacting the minor child, the child's foster  
1829 parent, the child's adoptive parent and/or the social services agency or agencies  
1830 possessing information regarding the child;

1831 (3) Order that the biological parents' obligation to pay child support, except for  
1832 arrearages, is hereby terminated; and

1833 (4) Order that any prior court order for custody, visitation, or contact, with the  
1834 minor child is hereby terminated.

1835 708.40-5. The Court shall provide a copy of the order suspending or terminating parental rights  
1836 to the child's parent, guardian, and legal custodian; the other parties to the action; and the current  
1837 or future foster parents for the purpose of pursuing adoption.

1838 708.40-6. If an order is entered involuntarily suspending or terminating parental rights, the Court  
1839 shall orally inform the parent(s) who appear in Court or place in the written order the ground for  
1840 suspension or termination of their parental rights specified in section 708.34-1(l), which provides  
1841 that a prior involuntary suspension or termination of parental rights, under certain circumstances,  
1842 is a ground for the suspension or termination of parental rights for another child.

1843 708.40-7. If the Court suspends or terminates parental rights, the Department, or the Court if the  
1844 Department is not a party to the action, may forward the following information to the State of  
1845 Wisconsin:

1846 (a) The name, date of birth, and tribal affiliation of the child whose birth parent's rights  
1847 have been suspended or terminated;

1848 (b) The names and current addresses of the child's birth parents, guardian and legal  
1849 custodian; and

1850 (c) Any medical or genetic information received by the Department.

1851 708.40-8. If only one (1) parent consents to a voluntary suspension or termination of parental  
1852 rights or if the grounds for involuntary suspension or termination of parental rights are found to  
1853 exist as to only one (1) parent, the rights of only that parent may be suspended or terminated  
1854 without affecting the rights of the other parent if the Court finds such suspension or termination to  
1855 be in the best interest of the child.

1856

### 1857 **708.41. Adoption**

1858 708.41-1. Adoptions under this law shall take the form of customary adoptions when the Court has  
1859 granted a petition to suspend parental rights. When the Court grants a petition to terminate parental  
1860 rights the adoption shall be closed.

1861 708.41-2. *Customary Adoptions.* The purpose of customary adoption is not to permanently deprive  
1862 the adopted child of connections to, or knowledge of, the adopted child's biological family, but to  
1863 provide the adopted child a permanent home. The following shall apply to all customary adoptions  
1864 and shall be contained in all adoptive orders and decrees:

1865 (a) The relationship between an adoptive parent and adopted child shall have all the same  
1866 rights, responsibilities, and other legal consequences as the relationship between a  
1867 biological child and parent;

1868 (b) The adopted child shall have an absolute right, absent a convincing and compelling  
1869 reason to the contrary, to information and knowledge about his or her biological family and  
1870 his or her Oneida heritage, if applicable. The adopted child may obtain adoption  
1871 information from files maintained by the Court or Department;

1872 (c) Adoption shall not prevent an adopted child from inheriting from a biological parent in  
1873 the same manner as any other biological child. The biological parents shall not be entitled



1874 to inherit from an adopted child in the same manner as parents would otherwise be entitled  
 1875 to inherit. An adopted child shall be entitled to inherit from adoptive parents, and vice  
 1876 versa, in the same manner as if biological parents and child;

1877 (d) Although parental rights have been suspended, the biological parent may retain certain  
 1878 residual parental rights when appropriate as determined by agreement between the adoptive  
 1879 parent and biological parent made through peacemaking, or by order of the Court. Such  
 1880 residual parental rights may include:

1881 (1) The right to communication;

1882 (2) The right to visitation;

1883 (3) The right or obligation to contribute to support or education;

1884 (4) The right to be consulted regarding the adopted child's religious affiliation,  
 1885 major medical treatment, marriage, or other matters of major importance in the  
 1886 child's life; and/or

1887 (5) Such other residual rights the Court may deem appropriate, considering the  
 1888 circumstances.

1889 (e) Adoption does not extinguish the relationships between the adopted child and the  
 1890 adopted child's extended biological family. The adopted child's extended biological family  
 1891 retains the right to reasonable communication and visitation with the adopted child, subject  
 1892 to reasonable controls of the adoptive parents.

1893 **708.41-3. Closed Adoptions.** Closed adoptions occur in situations where an adopted child needs a  
 1894 permanent home and it is necessary to sever all ties between the adopted child and his or her  
 1895 biological family. The following shall apply to all closed adoptions:

1896 (a) The relationship between an adoptive parent and adopted child shall have all the same  
 1897 rights, responsibilities, and other legal consequences as the relationship between a  
 1898 biological child and parent;

1899 (b) The relationship between the adopted child and all persons whose relationship to the  
 1900 adopted child is derived through the biological parents shall be completely altered and all  
 1901 the rights, duties, and other legal consequences of those relationships shall cease to exist;

1902 (c) The adopted child's biological family shall not be entitled to or have access to any  
 1903 information regarding said child;

1904 (d) The adopted child shall be entitled to information and knowledge regarding his or her  
 1905 culture and heritage; and

1906 (e) The adopted child shall be entitled to information regarding his or her biological family  
 1907 upon reaching the age of majority. The adopted child may obtain adoption information  
 1908 from files maintained by the Court or Department.

1909

#### 1910 **708.42. Adoption Criteria and Eligibility**

1911 **708.42-1. Criteria for Adoption.** Any child who is subject to this law may be adopted if any of the  
 1912 following criteria are met:

1913 (a) Both of the child's parents are deceased;

1914 (b) The parental rights of both of the child's parents with respect to the child have been  
 1915 suspended or terminated;

1916 (c) The parental rights of one of the child's parents with respect to the child have been  
 1917 suspended or terminated and the child's other parent is deceased; or

1918 (d) The person filing the petition for adoption is the spouse of the child's parent and either  
 1919 of the following applies:

- 1920 (1) The child's other parent is deceased; or  
1921 (2) The parental rights of the child's other parent with respect to the child have been  
1922 suspended or terminated.

1923 708.42-2. *Eligibility*. The following persons are eligible to adopt a child who falls under the  
1924 jurisdiction of this law pending the successful clearing of a background check:

- 1925 (a) A married adult couple;  
1926 (b) Either spouse if the other spouse is a parent of the child; or  
1927 (c) An unmarried adult.

1928 708.42-3. If the person proposing to adopt the child cannot successfully clear a background check,  
1929 and any convictions the person may possess have not been pardoned, forgiven, reversed, set aside  
1930 or vacated, the Court may still deem the person eligible to adopt if the Court determines by clear  
1931 and convincing evidence that the adoption would be in the best interests of the child.

1932

### 1933 **708.43. Adoption Procedure**

1934 708.43-1. *Petition for Adoption*. A person proposing to adopt, or the Department, shall initiate a  
1935 proceeding for the adoption of a child by filing a petition with the Court. The petition shall include  
1936 the following information:

- 1937 (a) The name, birth date, address, and tribal affiliation of the petitioner;  
1938 (b) The name, birth date, address, and tribal affiliation of the child;  
1939 (c) The names, birth dates, addresses, and tribal affiliation of the child's biological parents;  
1940 (d) The name by which the child shall be known if the petition is granted;  
1941 (e) The relationship of the petitioner to the child; and  
1942 (f) A copy of the order suspending or terminating parental rights of the child's biological  
1943 parent(s).

1944 708.43-2. Upon the filing of a petition for adoption, the Court shall schedule a hearing within  
1945 sixty (60) days.

1946 708.43-3. When a petition for adoption is filed, the Court shall order an investigation to determine  
1947 whether the child is a proper subject for adoption and whether the petitioner's home is suitable for  
1948 the child.

- 1949 (a) The Court shall order one (1) of the following to conduct the investigation:  
1950 (1) If the Department, or another agency or department, has guardianship of the  
1951 child, the agency or department that has guardianship; or  
1952 (2) If no agency or department has guardianship of the child and a relative,  
1953 including a stepparent, has filed the petition for adoption, the Department.  
1954 (b) If the Court orders the Department to conduct the investigation, the Department may  
1955 contract with a third-party agency to conduct the investigation.

1956 708.43-4. The Department or other agency or department making the investigation shall file its  
1957 report with the Court prior to the hearing on the petition and shall provide a copy of the report to  
1958 the parties by first-class mail at least seven (7) days prior to the hearing.

1959 708.43-5. If the report of the investigation is unfavorable or if it discloses a situation which, in the  
1960 opinion of the Court, raises a serious question as to the suitability of the proposed adoption, the  
1961 Court may appoint a guardian ad litem for the child whose adoption is proposed.

1962 708.43-6. During the hearing the parties may agree to attend peacemaking to establish an  
1963 agreement regarding residual rights of a birth parent, birth sibling, or other birth relative of the  
1964 child.

1965 708.43-7. If after the hearing and a study of the report required by section 708.43-3 the Court is  
1966 satisfied that the adoption is in the best interests of the child, the Court shall make an order granting  
1967 the adoption. The order may change the name of the child to that requested by petitioners.

1968 708.43-8. After the order of adoption is entered the relation of parent and child and all the rights,  
1969 duties and other legal consequences of the natural relation of child and parent thereafter exists  
1970 between the adopted child and the adoptive parents. The relationship between the adopted child  
1971 and biological parents shall be completely altered and all the rights, duties, and other legal  
1972 consequences of those relationships shall cease to exist, excluding any residual rights granted to  
1973 the biological parents and extended family through customary adoption. If the biological parent  
1974 is the spouse of the adoptive parent, the relationship shall be completely altered and those rights,  
1975 duties, and other legal consequences shall cease to exist only with respect to the biological parent  
1976 who is not the spouse of the adoptive parent.

1977 708.43-9. Within five (5) days after entry of the order granting a closed adoption, the Department  
1978 shall mail a copy of the order to the State of Wisconsin Bureau of Vital Statistics and furnish any  
1979 additional data needed for the issuance of a new birth certificate.

1980

#### 1981 **708.44. Non-Compliance with a Residual Rights Agreement**

1982 708.44-1. Any party to a residual rights agreement or the child who is the subject of the  
1983 proceedings may petition the Court that approved the agreement to compel any person who is  
1984 bound by the agreement to comply with the agreement. The petition shall allege facts sufficient to  
1985 show that a person who is bound by the agreement is not in compliance with the agreement and  
1986 that the petitioner, before filing the petition, attempted in good faith to resolve the dispute giving  
1987 rise to the filing of the petition. The petition may also allege facts showing that the noncompliance  
1988 with the agreement is not in the best interests of the child.

1989 708.44-2. After receiving a petition for action regarding a residual rights contact agreement the  
1990 Court shall set a date and time for a hearing on the petition and shall provide notice of the hearing  
1991 to all parties to the agreement and may reappoint a guardian ad litem for the child.

1992 708.44-3. If the Court finds, after hearing, that any person bound by the agreement is not in  
1993 compliance with the agreement and that the petitioner, before filing the petition, attempted in good  
1994 faith to resolve the dispute giving rise to the filing of the petition, the Court shall issue an order  
1995 requiring the person to comply with the agreement and may find a party in contempt.

1996 708.44-4. The Court may not revoke a suspension or termination of parental rights order or an  
1997 order of customary adoption because an adoptive parent or other custodian of the child or a birth  
1998 parent, birth sibling, or other birth relative of the child fails to comply with a residual rights  
1999 agreement; however, the parties may return to peacemaking to revise the agreement, or the Court  
2000 may amend an order if it finds an amendment to the order is in the best interests of the child.

2001

#### 2002 **708.45. Peacemaking and Mediation**

2003 708.45-1. The Court may refer the parties to peacemaking or mediation if the parties agree to  
2004 attend peacemaking or mediation. The Court shall not refer the parties to peacemaking or  
2005 mediation if attending the session will cause undue hardship or would endanger the health or safety  
2006 of a party.

2007 708.45-2. When the parties attend peacemaking or mediation based on a referral from the Court,  
2008 the Court shall enter an order finding good cause to suspend the time limits established under this  
2009 law.

2010

2011 **708.46. Appeals**

2012 708.46-1. Appeals of all orders issued under this law shall be heard by the Nation’s Court of  
2013 Appeals in accordance with the Rules of Appellate Procedure.

2014

2015 **708.47. Liability**

2016 708.47-1. No liability shall attach to the Department, Indian Child Welfare Worker, the Nation’s  
2017 Child Welfare Attorney or any person acting under their authority for statements, acts or omissions  
2018 made in good faith while in the course of activities taken under this law.

2019

2020 *End.*

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2021 Adopted – BC-07-26-17-J

2022 Amended – BC-\_\_-\_\_-\_\_-\_\_

FINANCE ADMINISTRATION  
Fiscal Impact Statement



# MEMORANDUM

TO: Lawrence Barton, Chief Financial Officer  
 FROM: RaLinda Ninham-Lamberies, Assistant Chief Financial Officer  
 DATE: August 12, 2022  
 RE: **Fiscal Impact of the Children's Code Amendment**

## I. Estimated Fiscal Impact Summary

<b>Law:</b> Curfew Law		
<b>Implementing Agency</b>	Oneida Police Department Oneida Judiciary Oneida Law Office Oneida Indian Child Welfare Department Oneida Cultural Department	
<b>Estimated time to comply</b>	2-3 business days	
<b>Estimated Impact</b>	<b>Current Fiscal Year</b>	<b>10 Year Estimate</b>
<b>Total Estimated Fiscal Impact</b>	<b>\$56,589.00-\$81,950.96</b>	<b>\$711,770.40 - \$1,030,770.00</b>

## II. Background

### A. Legislative History

This law was adopted by the Oneida Business Committee by resolution BC-07-26-17-J for the purpose of providing for the welfare, care, and protection of Oneida children through the preservation of the family unit.

### B. Summary of Content

The amendment addresses customary adoption to allow for a suspension of rights rather than a termination of rights to allow the adopting family to be eligible for Adoption Assistance from the State.

### III. Methodology and Assumptions

A “Fiscal Impact Statement” means an estimate of the total identifiable fiscal year financial effects associated with legislation and includes startup costs, personnel, office, documentation costs, as well as an estimate of the amount of time necessary for an agency to comply with the Law after implementation.

Finance does NOT identify the source of funding for the estimated cost or allocate any funds to the legislation.

The analysis was completed based on the information provided as of the date of this memo.

### IV. Executive Summary of Findings

- These amendments provide that any orders made by the Court under this law, or any orders made by a court of competent jurisdiction regarding child welfare matters shall supersede any other order made by this Court or court of competent jurisdiction.
- The amendments to revise the responsibilities and duties of the Indian Child Welfare department to include that they also may enter into a protective plan with a family.
- The amendments update the general notice provisions as specified within the law. If a method of service is not specified then the service shall be first-class mail to the recently verified last-known address of the party.
- The amendments provide that if an alleged father appears at a hearing under this law, the Court may order the Department to refer the matter to the Oneida Nation Child Support Agency to adjudicate paternity.
- The amendments add a provision which provides that when access is granted by order of the Court to a guardian ad litem, the Indian Child Welfare Department shall make available for inspection or disclosure the contents of any record kept, regardless of the originating source.
- The amendments add a new provision which provides that the Indian Child Welfare Department may make an ex parte request to the Court to conduct an in-camera review to determine what information should and should not be released to the party and their counsel.
- The proposed amendments add a new option of where a child may be held in custody, which is a hospital, or other medical or mental facility.
- The amendments will now include the addition of information that may be, but not required to be, included in the order to hold a child in custody.
- The amendments provide that at the plea hearing the Indian Child Welfare Department may request placement of the child outside of the child’s home.

- The amendments eliminate the ability for the Indian Child Welfare Department's to request the Court to withhold identifying information from the child's parent, guardian, or legal custodian.
- The amendments remove the requirement to provide a copy of the dispositional order to the child if the child is age twelve (12) or older.
- The amendments clarifies that the wishes of the child should only be considered when the child has the capacity to express their wishes.
- The proposed amendments now allow for the suspension of parental rights in addition to the termination of parental rights.
- The amendment provides what needs to be proved to demonstrate that the child is in continuing need of protection or services which is grounds for suspension or termination of parental rights and the order for suspension or termination of parental rights shall be in writing.
- The amendment provides that when a petition for adoption is filed, the Court shall order an investigation to determine whether the child is a proper subject for adoption and the petitioner's home is suitable for the child.

#### V. Agency

The start-up, personnel, and documentation costs are between \$56,589.00 and \$81,950.96 with the assumptions of one case per week and no need for additional personnel. Actual results may be significantly more than the assumptions, thereby increasing the actual costs for the amendments. The amendments will become effective 10 days from adoption.

#### VI. Financial Impact

Oneida Police Department (OPD) response recognizes their responsibility to enforce the law in the same manner they enforce all federal, state, local, and tribal laws and ordinances. The fiscal impact of the amendments to the Children's Code for the OPD is indeterminate as the additional costs will be absorbed by the Police Department.

The Oneida Nation Family Court response recognizes the amendments will change some aspects of the child in need of protection of services (CHIPS), guardianship, termination of parental rights and adoptions cases. They have indicated there will be no additional start up, personnel, office, or documentation costs for the Oneida Family Court. They will be able to comply with the amendment within 2-3 business days.

Indian Child Welfare (ICW) is unable to estimate the frequency of the requests for their area as they have no historical data as a basis for estimation. Their response indicates no need for additional staff at this time, however they have **great concern** regarding the potential increased workload for the current ICW team and indicate additional staff

maybe necessary as they begin receiving requests. Estimated frequency for the fiscal impact statement is one request per week. Estimated fiscal impact will increase based on the actual number of requests received.

ICW estimates four hours of time per request for an ICW Case Manager/Social Worker at a current cost of \$197.57 for wages, fringe benefits and indirect costs. The estimated time for the ICW Paralegal per request is six to eight hours at a current cost of \$421.09 for wages, fringe benefits, and indirect costs. The amendment will also require an indeterminate increase in documentation costs for supplies and printing for each case.

The Oneida Law Office estimates the attorney time per case to implement the amendments is between eleven and fourteen hours. The estimated cost for each case for attorney wages, fringe benefits, and indirect cost is between \$469.59 to a \$957.32 per week.

Using an estimate of one case per week for 52 weeks in a calendar year, the total annual cost for the ICW department is \$32,170.32 and the total annual cost for the Oneida Law Office is a range of between \$24,418.68 and \$49,780.64.

The total annual cost is within a range of \$56,589.00 and \$81,950.96.

## **VII. Recommendation**

Finance Department does not make a recommendation in regard to course of action in this matter. Rather, it is the purpose of this report to disclose potential financial impact of this legislation, so that the Oneida Business Committee and General Tribal Council has the information with which to render a decision.



Adopt resolution entitled Emergency Amendments to the Emergency Management Law

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## Business Committee Agenda Request

1. **Meeting Date Requested:** 09/14/22

2. **Session:**

Open     Executive – must qualify under §107.4-1.

Justification: *Choose or type justification.*

3. **Requested Motion:**

Accept as information; OR

Adopt the resolution entitled, “Emergency Amendments to the Emergency Management Law”

4. **Areas potentially impacted or affected by this request:**

Finance

Programs/Services

Law Office

MIS

Gaming/Retail

Boards, Committees, or Commissions

Other: Legislative Operating

Committee

5. **Additional attendees needed for this request:**

*Name, Title/Entity OR Choose from List*

*Name, Title/Entity OR Choose from List*

*Name, Title/Entity OR Choose from List*

*Name, Title/Entity OR Choose from List*

**6. Supporting Documents:**

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> Bylaws                                 | <input checked="" type="checkbox"/> Fiscal Impact Statement | <input type="checkbox"/> Presentation                   |
| <input type="checkbox"/> Contract Document(s)                   | <input checked="" type="checkbox"/> Law                     | <input type="checkbox"/> Report                         |
| <input checked="" type="checkbox"/> Correspondence              | <input type="checkbox"/> Legal Review                       | <input checked="" type="checkbox"/> Resolution          |
| <input type="checkbox"/> Draft GTC Notice                       | <input type="checkbox"/> Minutes                            | <input type="checkbox"/> Rule (adoption packet)         |
| <input type="checkbox"/> Draft GTC Packet                       | <input type="checkbox"/> MOU/MOA                            | <input checked="" type="checkbox"/> Statement of Effect |
| <input type="checkbox"/> E-poll results/back-up                 | <input type="checkbox"/> Petition                           | <input type="checkbox"/> Travel Documents               |
| <input checked="" type="checkbox"/> Other: Legislative Analysis |   |   |

**7. Budget Information:**

- |   |  |
|---|--|
| <input type="checkbox"/> Budgeted – Tribal Contribution | <input type="checkbox"/> Budgeted – Grant Funded   |
| <input type="checkbox"/> Unbudgeted                     | <input checked="" type="checkbox"/> Not Applicable |
| <input type="checkbox"/> Other: <i>Describe</i>         |  |

**8. Submission:**


Authorized Sponsor: David P. Jordan, Councilman

Primary Requestor: Clorissa N. Santiago, LRO Senior Staff Attorney



Oneida Nation  
 Oneida Business Committee  
 Legislative Operating Committee  
 PO Box 365 • Oneida, WI 54155-0365  
 Oneida-nsn.gov



TO: Oneida Business Committee  
 FROM: David P. Jordan, LOC Chairperson   
 DATE: September 14, 2022  
 RE: Adoption of Emergency Amendments to the Emergency Management Law

---

Please find the following attached backup documentation for your consideration of the adoption of emergency amendments to the Emergency Management law:

1. Resolution: Emergency Amendments to the Emergency Management Law
2. Statement of Effect: Emergency Amendments to the Emergency Management Law
3. Emergency Management Law Emergency Amendments Legislative Analysis
4. Emergency Management Law Emergency Amendments Draft (Redline)
5. Emergency Management Law Emergency Amendments Draft (Clean)

#### Overview

Emergency amendments to the Emergency Management law are being sought to address the Nation's emergency response. The Emergency Management law provides for the development and execution of plans for the protection of residents, property, and the environment in an emergency or disaster; to provide for the direction of emergency management, response, and recovery on the Reservation; as well as coordination with other agencies, victims, businesses, and organizations; to establish the use of the National Incident Management System (NIMS); and to designate authority and responsibilities for public health preparedness. [3 O.C. 302.1-1].

On June 15, 2022, the Oneida Nation and surrounding areas experienced a severe thunderstorm, high winds and tornados affecting power, damaging homes and businesses, and impacting access through downed trees causing multiple buildings and much of the programs and services of the Nation to be negatively impacted through damage to buildings, lack of power and utilities, and inability of employees to come to work as a result of the same impact on their homes. The Oneida Business Committee declared an emergency resulting from the damages caused by the June 15, 2022, severe weather through the adoption of resolution BC-06-20-22-A, *Declaration of Emergency Resulting from the Damages Caused by the June 15, 2022, Severe Weather and Tornado*. On June 24, 2022, the Oneida Business Committee storm held an emergency debrief session with the Emergency Management Director, and in that meeting it was identified that amendments to the Emergency Management law would be needed to address the Oneida Nation Emergency Planning Committee, and the difficulties of composing this Team to meet the needs of the Nation for an emergency response. The Legislative Operating Committee added these amendments to its Active Files List on July 6, 2022, and determined that these amendments should be pursued on an emergency basis.

The Oneida Nation Emergency Planning Committee assists the Emergency Management Director in drafting and maintaining the Emergency Response Plan, and at the request of the Emergency

Management Director, the Oneida Nation Emergency Planning Committee shall provide assistance to the Emergency Management Director in the implementation of the provisions of this law or any plan issued thereunder. The Oneida Nation Emergency Planning Committee shall consist of representatives from entities and a community representative as identified in the Oneida Nation Emergency Planning Committee bylaws.

Some of the positions identified in the Bylaws are direct reports to the Oneida Business Committee or General Manager, or are employees of the Nation's Internal Audit Department, Finance Administration, Law Office, Business Committee Support Office, or Intergovernmental Affairs and Communications. Currently, section 105.15-3 of the Boards, Committees, and Commissions law provides that direct reports to the Oneida Business Committee or General Manager, or are employees of the Nation's Internal Audit Department, Finance Administration, Law Office, Business Committee Support Office, or Intergovernmental Affairs and Communications are ineligible to serve on an appointed or elected boards, committee, or commission of the Nation. Amendments to the Law are being sought to address the Oneida Nation Emergency Planning Committee since it is essential that direct reports and employees of those designated areas participate on this committee in order to achieve the best emergency response for the Nation.

The proposed emergency amendments to the Emergency Management law will:

- Eliminate the Oneida Nation Emergency Planning Committee and replace it with an Emergency Management Operations Team. [3 O.C. 302.5-1];
- Provide that members of the Emergency Management Operations Team shall attend meetings, or send a designee in their absence, and comply with any training requirements set forth by the Emergency Management Director. [3 O.C. 302.5-3];
- Require that within forty-eight (48) hours of an emergency, the Emergency Management Director shall prepare, or shall work in conjunction with the appropriate entity to prepare, an emergency briefing to be presented to the Oneida Business Committee regarding the status of the emergency, actions taken to address the emergency, and the activation of the Emergency Response Plan. [3 O.C. 302.8-4];
- Allow the Oneida Business Committee to direct the Emergency Management Director to provide additional emergency briefings to the Oneida Business Committee. [3 O.C. 302.8-4];
- Require that within thirty (30) days of an emergency subsiding, unless additional time is granted by the Oneida Business Committee, the Emergency Management Director shall prepare, or shall work in conjunction with the appropriate entity to prepare, a preliminary emergency assessment report to be presented to the Oneida Business Committee, any interested entity, and the public. [3 O.C. 302.8-5];
- Extend the amount of time for the Emergency Management Director to prepare and present an after-action report to the Oneida Business Committee, any interested entity, and the public, from sixty (60) days to ninety (90) days. [3 O.C. 302.8-6].

The Oneida Business Committee can temporarily enact legislation when legislation is necessary for the immediate preservation of the public health, safety, or general welfare of the Reservation population, and the amendment of the legislation is required sooner than would be possible under the Legislative Procedures Act. [1 O.C. 109.9-5]. A fiscal impact statement and public meeting are not required for emergency legislation. [1 O.C. 109.9-5(a)].

The emergency adoption of amendments to this Law are necessary for the preservation of the safety and general welfare of the Reservation population in order to ensure that the Nation can adequately respond to emergencies that occur by ensuring that there is an Emergency Management Operations Team that can assist the Emergency Management Director in drafting and maintaining the Emergency Response Plan., as well as assist the Emergency Management Director in the implementation of the provisions of this law or any plan issued thereunder.

The observance of the requirements under the Legislative Procedures Act for adoption of the emergency amendments to this Law would be contrary to public interest since the process and requirements of the Legislative Procedures Act cannot be completed in time to ensure that the Emergency Management Operations Team can be established and prepared to aid in the emergency response prior to the next emergency occurring within the Nation.

The adoption of the emergency amendments to the Emergency Management law will take effect immediately upon adoption by the Oneida Business Committee. The emergency amendment to the Emergency Management law will remain effective for six (6) months. The Legislative Procedures Act provides the possibility to extend the emergency amendment for an additional six (6) months, or until the emergency amendment expires or is permanently adopted. [1 O.C. 109.9-5(b)].

**Requested Action**

Adopt the Resolution: Emergency Amendments to the Emergency Management Law

# Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

## BC Resolution #

### Emergency Amendments to the Emergency Management Law

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- WHEREAS,** the Oneida Nation is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States of America; and
- WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation; and
- WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1, of the Oneida Tribal Constitution by the Oneida General Tribal Council; and
- WHEREAS,** the Emergency Management law (“the Law”) was adopted by the Oneida Business Committee through resolution BC-07-15-98-A and amended by resolutions BC-12-20-06-G, BC-05-13-09-F, and BC-03-10-21-A; and
- WHEREAS,** the purpose of the Law is to provide for the development and execution of plans for the protection of residents, property, and the environment in an emergency or disaster; provide for the direction of emergency management, response, and recovery on the Reservation, as well as coordination with other agencies, victims, businesses, and organizations; establish the use of the National Incident Management System; and designate authority and responsibilities for public health preparedness; and
- WHEREAS,** on June 15, 2022, the Oneida Nation and surrounding areas experienced a severe thunderstorm, high winds and tornados affecting power, damaging homes and businesses, and impacting access through downed trees causing multiple buildings and much of the programs and services of the Nation to be negatively impacted through damage to buildings, lack of power and utilities, and inability of employees to come to work as a result of the same impact on their homes; and
- WHEREAS,** the Oneida Business Committee declared an emergency resulting from the damages caused by the June 15, 2022, severe weather through the adoption of resolution BC-06-20-22-A, *Declaration of Emergency Resulting from the Damages Caused by the June 15, 2022, Severe Weather and Tornado*; and
- WHEREAS,** on June 24, 2022, the Oneida Business Committee held a storm emergency debrief session with the Emergency Management Director to review the Nation’s emergency response to the June 15, 2022, severe weather, and during this session it was identified that amendments to the Emergency Management law would be needed to address the Oneida Nation Emergency Planning Committee and its impact on the Nation’s emergency response; and
- WHEREAS,** the Oneida Nation Emergency Planning Committee consisted of representatives from entities and a community representative as identified in the Oneida Nation Emergency Planning Committee bylaws, and served the purpose of assisting the Emergency Management Director in drafting and maintaining the Emergency Response Plan, and providing assistance to the Emergency Management Director in the implementation of the provisions of this law or any plan issued thereunder; and

- 48  
49 **WHEREAS,** some of the positions identified in the Oneida Nation Emergency Planning Committee  
50 Bylaws were direct reports to the Oneida Business Committee or General Manager, or  
51 were employees of the Nation's Internal Audit Department, Finance Administration, Law  
52 Office, Business Committee Support Office, or Intergovernmental Affairs and  
53 Communications; and  
54
- 55 **WHEREAS,** section 105.15-3 of the Boards, Committees, and Commissions law provides that direct  
56 reports to the Oneida Business Committee or General Manager, or are employees of the  
57 Nation's Internal Audit Department, Finance Administration, Law Office, Business  
58 Committee Support Office, or Intergovernmental Affairs and Communications are ineligible  
59 to serve on an appointed or elected boards, committee, or commission of the Nation; and  
60
- 61 **WHEREAS,** the Legislative Operating Committee determined that emergency amendments to the Law  
62 should be sought to address the Oneida Nation Emergency Planning Committee since it is  
63 essential that direct reports and employees of those designated areas participate on this  
64 committee in order to achieve the best emergency response for the Nation; and  
65
- 66 **WHEREAS,** the emergency amendments to the Law eliminate the Oneida Nation Emergency Planning  
67 Committee and replace it with an Emergency Management Operations Team, clarifying  
68 that this Team exists not as a board, committee, or commission of the Nation, but instead  
69 as a network of different employee positions throughout the Nation that all have a  
70 responsibility to aid in the Nation's response to emergencies; and  
71
- 72 **WHEREAS,** the emergency amendments to the Law provide that members of the Emergency  
73 Management Operations Team shall attend meetings, or send a designee in their absence,  
74 and comply with any training requirements set forth by the Emergency Management  
75 Director; and  
76
- 77 **WHEREAS,** the emergency amendments to the Law require that within forty-eight (48) hours of an  
78 emergency, the Emergency Management Director shall prepare, or shall work in  
79 conjunction with the appropriate entity to prepare, an emergency briefing to be presented  
80 to the Oneida Business Committee regarding the status of the emergency, actions taken  
81 to address the emergency, and the activation of the Emergency Response Plan; and  
82
- 83 **WHEREAS,** the emergency amendments to the Law allow the Oneida Business Committee to direct  
84 the Emergency Management Director to provide additional emergency briefings to the  
85 Oneida Business Committee; and  
86
- 87 **WHEREAS,** the emergency amendments to the Law require that within thirty (30) days of an emergency  
88 subsiding, unless additional time is granted by the Oneida Business Committee, the  
89 Emergency Management Director shall prepare, or shall work in conjunction with the  
90 appropriate entity to prepare, a preliminary emergency assessment report to be presented  
91 to the Oneida Business Committee, any interested entity, and the public; and  
92
- 93 **WHEREAS,** the emergency amendments to the Law extend the amount of time for the Emergency  
94 Management Director to prepare and present an after-action report to the Oneida Business  
95 Committee, any interested entity, and the public, from sixty (60) days to ninety (90) days ;  
96 and  
97
- 98 **WHEREAS,** the Legislative Procedures Act authorizes the Oneida Business Committee to enact  
99 legislation on an emergency basis, to be in effect for a period of six (6) months, renewable  
100 for an additional six (6) months; and  
101

102 **WHEREAS,** emergency amendment of legislation is allowed when legislation is necessary for the  
103 immediate preservation of the public health, safety, or general welfare of the Reservation  
104 population, and the amendment of the legislation is required sooner than would be possible  
105 under the Legislative Procedures Act; and  
106

107 **WHEREAS,** the emergency adoption of amendments to this Law are necessary for the preservation of  
108 the safety and general welfare of the Reservation population in order to ensure that the  
109 Nation can adequately respond to emergencies that occur by ensuring that there is an  
110 Emergency Management Operations Team that can assist the Emergency Management  
111 Director in drafting and maintaining the Emergency Response Plan., as well as assist the  
112 Emergency Management Director in the implementation of the provisions of this law or any  
113 plan issued thereunder; and  
114

115 **WHEREAS,** the observance of the requirements under the Legislative Procedures Act for adoption of  
116 the emergency amendments to this Law would be contrary to public interest since the  
117 process and requirements of the Legislative Procedures Act cannot be completed in time  
118 to ensure that the Emergency Management Operations Team can be established and  
119 prepared to aid in the emergency response prior to the next emergency occurring within  
120 the Nation; and  
121

122 **WHEREAS,** the Legislative Procedures Act does not require a public meeting or fiscal impact statement  
123 when considering emergency legislation; and  
124

125 **NOW THEREFORE BE IT RESOLVED,** the Oneida Business Committee hereby adopts the emergency  
126 amendments to the Emergency Management law effective immediately.  
127

128 **BE IT FURTHER RESOLVED,** the Oneida Nation Emergency Planning Committee is hereby dissolved,  
129 and its bylaws repealed.  
130

131 **BE IT FURTHER RESOLVED,** in accordance with section 302.5-1 of the Law, which provides that the  
132 Emergency Management Director shall identify the representatives from entities of the Nation that comprise  
133 the Emergency Management Operations Team, the Emergency Management Director shall collaborate  
134 with the following positions to identify the appropriate representatives that will comprise the Emergency  
135 Management Operations Team:

- 136     ▪ General Manager;
  - 137     ▪ Gaming General Manager;
  - 138     ▪ Retail General Manager;
  - 139     ▪ Chief Financial Officer; and
  - 140     ▪ A Non-Divisional Representative.
    - 141         ▪ The Oneida Business Committee shall identify an individual to represent the Non-Divisional
    - 142         areas.
- 143

144 **BE IT FURTHER RESOLVED,** the Emergency Management Director shall collaborate with the General  
145 Manager, Gaming General Manager, Retail General Manager, Chief Financial Officer, and a Non-Divisional  
146 representative to develop a draft standard operating procedure regarding the application and  
147 communication of this Law, to be submitted to the November Oneida Business Committee work session  
148 agenda for review and discussion.  
149

150 **BE IT FINALLY RESOLVED,** all entities shall develop and/or update their Emergency Action Plan and  
151 submit their Plans to the Emergency Management Director for review by the end of the Fiscal Year 2023  
152 first quarter. The Emergency Management Director shall notify the Oneida Business Committee of any  
153 entity that fails to meet this directive in their Fiscal Year 2023 Second Quarter Report.





## Statement of Effect

### *Emergency Amendments to the Emergency Management Law*

#### **Summary**

This resolution adopts emergency amendments to the Emergency Management law to improve the Nation's responses to emergencies.

*Submitted by: Clorissa N. Santiago, Senior Staff Attorney, Legislative Reference Office*

*Date: September 1, 2022*

#### ***Analysis by the Legislative Reference Office***

This resolution adopts emergency amendments to the Emergency Management law. The Emergency Management law provides for the development and execution of plans for the protection of residents, property, and the environment in an emergency or disaster; to provide for the direction of emergency management, response, and recovery on the Reservation; as well as coordination with other agencies, victims, businesses, and organizations; to establish the use of the National Incident Management System (NIMS); and to designate authority and responsibilities for public health preparedness. [3 O.C. 302.1-1]. The emergency amendments to the Emergency Management law will:

- Eliminate the Oneida Nation Emergency Planning Committee and replace it with an Emergency Management Operations Team. [3 O.C. 302.5-1];
- Provide that members of the Emergency Management Operations Team shall attend meetings, or send a designee in their absence, and comply with any training requirements set forth by the Emergency Management Director. [3 O.C. 302.5-3];
- Require that within forty-eight (48) hours of an emergency, the Emergency Management Director shall prepare, or shall work in conjunction with the appropriate entity to prepare, an emergency briefing to be presented to the Oneida Business Committee regarding the status of the emergency, actions taken to address the emergency, and the activation of the Emergency Response Plan. [3 O.C. 302.8-4];
- Allow the Oneida Business Committee to direct the Emergency Management Director to provide additional emergency briefings to the Oneida Business Committee. [3 O.C. 302.8-4];
- Require that within thirty (30) days of an emergency subsiding, unless additional time is granted by the Oneida Business Committee, the Emergency Management Director shall prepare, or shall work in conjunction with the appropriate entity to prepare, a preliminary emergency assessment report to be presented to the Oneida Business Committee, any interested entity, and the public. [3 O.C. 302.8-5];
- Extend the amount of time for the Emergency Management Director to prepare and present an after-action report to the Oneida Business Committee, any interested entity, and the public, from sixty (60) days to ninety (90) days. [3 O.C. 302.8-6].

The Legislative Procedures Act (“the LPA”) was adopted by the General Tribal Council for the purpose of providing a process for the adoption or amendment of laws of the Nation. [1 O.C. 109.1-1]. The LPA allows the Oneida Business Committee to take emergency action where it is necessary for the immediate preservation of the public health, safety, or general welfare of the Reservation population and when enactment or amendment of legislation is required sooner than would be possible under the LPA. [1 O.C. 109.9-5]. A public meeting and fiscal impact statement are not required for emergency legislation. [1 O.C. 109.8-1(b) and 109.9-5(a)].

The resolution provides that the emergency amendments to the Emergency Management law are necessary for the preservation of the safety and general welfare of the Reservation population in order to ensure that the Nation can adequately respond to emergencies that occur by ensuring that there is an Emergency Management Operations Team that can assist the Emergency Management Director in drafting and maintaining the Emergency Response Plan., as well as assist the Emergency Management Director in the implementation of the provisions of this law or any plan issued thereunder.

Additionally, observance of the requirements under the LPA for adoption of the emergency amendments to the Emergency Management law would be contrary to public interest since the process and requirements of the LPA cannot be completed in time to ensure that the Emergency Management Operations Team can be established and prepared to aid in the emergency response prior to the next emergency occurring within the Nation.

The adoption of the emergency amendments to the Emergency Management law will take effect immediately upon adoption by the Oneida Business Committee. The emergency amendment to the Emergency Management law will remain effective for six (6) months. The Legislative Procedures Act provides the possibility to extend the emergency amendment for an additional six (6) months, or until the emergency amendment expires or is permanently adopted. [1 O.C. 109.9-5(b)].

This resolution also contains additional directives which include:

- The Oneida Nation Emergency Planning Committee is hereby dissolved, and its bylaws repealed.
  - The Boards, Committees, and Commissions law provides that a board, committee, or commission of the Nation can be dissolved only by motion of the Oneida General Tribal Council or the Oneida Business Committee. [1 O.C. 105.17-2]. Within five (5) business days of the Oneida Business Committee taking official action to dissolve an entity, the Oneida Business Committee is required to provide the entity written notice of the dissolution. [1 O.C. 105.17-3]. The entity then has the responsibility to close out any open business of the entity and forward all materials and records to the Business Committee Support Office for proper storage and disposal within two (2) weeks of dissolution. [1 O.C. 105.17-4].
- In accordance with section 302.5-1 of the Emergency Management law, which provides that the Emergency Management Director shall identify the representatives from entities of the Nation that comprise the Emergency Management Operations Team, the Emergency Management Director shall collaborate with the following positions to identify the appropriate representatives that will comprise the Emergency Management Operations

Team: General Manager, Gaming General Manager, Retail General Manager, Chief Financial Officer, and a Non-Divisional Representative.

- The Emergency Management Director shall collaborate with the General Manager, Gaming General Manager, Retail General Manager, Chief Financial Officer, and a Non-Divisional representative to develop a draft standard operating procedure regarding the application and communication of this Law, to be submitted to the November Oneida Business Committee work session agenda for review and discussion.
- All entities shall develop and/or update their Emergency Action Plan and submit their Plans to the Emergency Management Director for review by the end of the Fiscal Year 2023 first quarter. The Emergency Management Director shall notify the Oneida Business Committee of any entity that fails to meet this directive in their Fiscal Year 2023 Second Quarter Report.
  - The Emergency Management law requires that all entities shall comply with reasonable requests from the Director relating to emergency planning, emergency operations, and federal mandate compliance. [3 O.C. 302.6-1]. It is a violation of the Emergency Management law for any person to not comply with, or willfully obstruct, hinder, or delay the implementation or enforcement of the provisions of this law or any plan issued thereunder, whether or not an emergency has been proclaimed. [3 O.C. 302.10-1]. An employee of the Nation who violates this law during their work hours or who refuses to follow the Emergency Response Plan may be subject to disciplinary action in accordance with the Nation's laws and policies governing employment. [3 O.C. 302.10-3].

### ***Conclusion***

Adoption of this resolution would not conflict with any of the Nation's laws.



## EMERGENCY MANAGEMENT LAW EMERGENCY AMENDMENTS LEGISLATIVE ANALYSIS

### SECTION 1. EXECUTIVE SUMMARY

<i>Analysis by the Legislative Reference Office</i>	
Intent of the Proposed Amendments	<ul style="list-style-type: none"> <li>▪ Eliminate the Oneida Nation Emergency Planning Committee and replace it with an Emergency Management Operations Team. <i>[3 O.C. 302.5-1]</i>;</li> <li>▪ Provide that members of the Emergency Management Operations Team shall attend meetings, or send a designee in their absence, and comply with any training requirements set forth by the Emergency Management Director. <i>[3 O.C. 302.5-3]</i>;</li> <li>▪ Require that within forty-eight (48) hours of an emergency, the Emergency Management Director shall prepare, or shall work in conjunction with the appropriate entity to prepare, an emergency briefing to be presented to the Oneida Business Committee regarding the status of the emergency, actions taken to address the emergency, and the activation of the Emergency Response Plan. <i>[3 O.C. 302.8-4]</i>;</li> <li>▪ Allow the Oneida Business Committee to direct the Emergency Management Director to provide additional emergency briefings to the Oneida Business Committee. <i>[3 O.C. 302.8-4]</i>;</li> <li>▪ Require that within thirty (30) days of an emergency subsiding, unless additional time is granted by the Oneida Business Committee, the Emergency Management Director shall prepare, or shall work in conjunction with the appropriate entity to prepare, a preliminary emergency assessment report to be presented to the Oneida Business Committee, any interested entity, and the public. <i>[3 O.C. 302.8-5]</i>;</li> <li>▪ Extend the amount of time for the Emergency Management Director to prepare and present an after-action report to the Oneida Business Committee, any interested entity, and the public, from sixty (60) days to ninety (90) days. <i>[3 O.C. 302.8-6]</i>.</li> </ul>
Purpose	To provide for the development and execution of plans for the protection of residents, property, and the environment in an emergency or disaster; to provide for the direction of emergency management, response, and recovery on the Reservation; as well as coordination with other agencies, victims, businesses, and organizations; to establish the use of the National Incident Management System (NIMS); and to designate authority and responsibilities for public health preparedness. <i>[3 O.C. 302.1-1]</i>
Affected Entities	Emergency Management Operations Team, Emergency Management Director, Oneida Business Committee
Public Meeting	A public meeting is not required for emergency legislation <i>[1 O.C. 109.8-1(b) and 109.9-5(a)]</i> .
Fiscal Impact	A fiscal impact statement is not required for emergency legislation <i>[1 O.C. 109.9-5(a)]</i> .
Expiration of Emergency Legislation	Emergency legislation expires six (6) months after adoption and may be renewed for an additional six (6) month period.

**SECTION 2. LEGISLATIVE DEVELOPMENT**

**A. *Background.*** The Emergency Management law (“the Law”) was first adopted by the Oneida Business Committee on July 15, 1998,(formally known as the Emergency Management and Homeland Security law) and most recently amended on March 10, 2021. The Law provides for the development and execution of plans for the protection of residents, property, and the environment in an emergency or disaster; to provide for the direction of emergency management, response, and recovery on the Reservation; as well as coordination with other agencies, victims, businesses, and organizations; to establish the use of the National Incident Management System (NIMS); and to designate authority and responsibilities for public health preparedness. [3 O.C. 302.1-1].

**B. *Request for Emergency Amendments.*** On June 15, 2022, the Oneida Nation and surrounding areas experienced a severe thunderstorm, high winds and tornados affecting power, damaging homes and businesses, and impacting access through downed trees causing multiple buildings and much of the programs and services of the Nation to be negatively impacted through damage to buildings, lack of power and utilities, and inability of employees to come to work as a result of the same impact on their homes. The Oneida Business Committee declared an emergency resulting from the damages caused by the June 15, 2022, severe weather through the adoption of resolution BC-06-20-22-A, *Declaration of Emergency Resulting from the Damages Caused by the June 15, 2022, Severe Weather and Tornado.* On June 24, 2022, the Oneida Business Committee storm held an emergency debrief session with the Emergency Management Director, and in that meeting it was identified that amendments to the Emergency Management law would be needed to address the Oneida Nation Emergency Planning Committee, and the difficulties of composing this Team to meet the needs of the Nation for an emergency response. The Legislative Operating Committee added these amendments to its Active Files List on July 6, 2022, and determined that these amendments should be pursued on an emergency basis.

- The Oneida Nation Emergency Planning Committee assists the Emergency Management Director in drafting and maintaining the Emergency Response Plan, and at the request of the Emergency Management Director, the Oneida Nation Emergency Planning Committee shall provide assistance to the Emergency Management Director in the implementation of the provisions of this law or any plan issued thereunder. The Oneida Nation Emergency Planning Committee shall consist of representatives from entities and a community representative as identified in the Oneida Nation Emergency Planning Committee bylaws.
- Some of the positions identified in the Bylaws are direct reports to the Oneida Business Committee or General Manager, or are employees of the Nation’s Internal Audit Department, Finance Administration, Law Office, Business Committee Support Office, or Intergovernmental Affairs and Communications. Currently, section 105.15-3 of the Boards, Committees, and Commissions law provides that direct reports to the Oneida Business Committee or General Manager, or are employees of the Nation’s Internal Audit Department, Finance Administration, Law Office, Business Committee Support Office, or Intergovernmental Affairs and Communications are ineligible to serve on an appointed or elected boards, committee, or commission of the Nation. Amendments to the Law are being sought to address the Oneida Nation Emergency Planning Committee since it is essential that direct reports and employees of those designated areas participate on this committee in order to achieve the best emergency response for the Nation.

**SECTION 3. CONSULTATION AND OUTREACH**

- 45
- 46 **A.** Representatives from the following departments or entities participated in the development of the
- 47 emergency amendments to this Law and legislative analysis:
- 48     ▪ Emergency Management Department;
- 49     ▪ General Manager; and
- 50     ▪ Government Administrative Office.
- 51 **B.** The Legislative Operating Committee has held the following work meetings specific to the proposed
- 52 emergency amendments to this Law:
- 53     ▪ July 18, 2022: Work Session with Governmental Administrative Office, General Manager, and
- 54     Emergency Management Department.
- 55     ▪ August 2, 2022: Work Session with Governmental Administrative Office, General Manager, and
- 56     Emergency Management Department.
- 57     ▪ August 25, 2022: Work Session with Governmental Administrative Office, General Manager, and
- 58     Emergency Management Department.
- 59     ▪ August 25, 2022: LOC work session.
- 60     ▪ August 30, 2022: LOC work session with the Emergency Management Department.
- 61

**SECTION 4. PROCESS**

- 63 **A.** These amendments are being considered on an emergency basis. The Oneida Business Committee may
- 64 temporarily enact emergency legislation where legislation is necessary for the immediate preservation
- 65 of public health, safety, or general welfare of the Reservation population and enactment or amendment
- 66 of legislation is required sooner than would be possible under this law. *[1 O.C. 109.9-5]*.
- 67     ▪ The emergency adoption of amendments to this Law are necessary for the preservation of the safety
- 68     and general welfare of the Reservation population in order to ensure that the Nation can adequately
- 69     respond to emergencies that occur by ensuring that there is an Emergency Management Operations
- 70     Team that can assist the Emergency Management Director in drafting and maintaining the
- 71     Emergency Response Plan., as well as assist the Emergency Management Director in the
- 72     implementation of the provisions of this law or any plan issued thereunder.
- 73     ▪ Observance of the requirements under the Legislative Procedures Act for adoption of the
- 74     emergency amendments to this Law would be contrary to public interest since the process and
- 75     requirements of the Legislative Procedures Act cannot be completed in time to ensure that the
- 76     Emergency Management Operations Team can be established and prepared to aid in the emergency
- 77     response prior to the next emergency occurring within the Nation.
- 78 **B.** The emergency amendments will expire six (6) months after adoption, with one (1) opportunity for a
- 79 six (6) month extension of the emergency amendments. *[1 O.C. 109.9-5(b)]*.
- 80 **C.** The Legislative Procedures Act does not require a public meeting or fiscal impact statement when
- 81 considering emergency legislation. *[1 O.C. 109.9-5(a)]*. However, a public meeting and fiscal impact
- 82 statement will eventually be required when considering permanent adoption of this Law.
- 83 **D.** The Legislative Operating Committee added these emergency amendments to the Active Files List on
- 84 July 6, 2022.
- 85
- 86
- 87

88 **SECTION 5. CONTENTS OF THE LEGISLATION**

89 **A. *Emergency Management Operations Team.*** Previously the Law provided that there be an Oneida  
90 Nation Emergency Planning Committee which consisted of representatives from entities and a  
91 community representative as identified in the Oneida Nation Emergency Planning Committee bylaws  
92 as approved by the Oneida Business. The proposed amendments to the Law eliminate the Oneida Nation  
93 Emergency Planning Committee and replace it with an Emergency Management Operations Team. [3  
94 *O.C. 302.5-1*]. The Emergency Management Operations Team consists of representatives from entities  
95 as identified by the Emergency Management Director. *Id.* The purpose of the Emergency Management  
96 Operations Team remains the same as the purpose of the Oneida Nation Emergency Planning  
97 Committee, which is to assist the Emergency Management Director in drafting and maintaining the  
98 Emergency Response Plan, as well as to assist the Emergency Management Director in the  
99 implementation of any provision of the Law or any plan issued thereunder. [3 *O.C. 302.5-2*].  
100 Additionally, a new provision added to the Law sets expectations for the Emergency Management  
101 Operations Team by providing the requirement that members attend meetings, or send a designee in  
102 their absence, and comply with any training requirements set forth by the Emergency Management  
103 Director. [3 *O.C. 302.5-3*].

104       ▪ ***Effect.*** The proposed emergency amendments to the Law replace the Oneida Nation  
105 Emergency Planning Committee with the Emergency Management Operations Team. This  
106 revision demonstrates that the Nation is better suited with the Emergency Management  
107 Operations Team which exists not as a board, committee, or commission of the Nation, but  
108 instead as a network of different employee positions throughout the Nation that all have a  
109 responsibility to aid in the Nation's response to emergencies. This eliminates the previous  
110 difficulty in composing this Team to meet the needs of the Nation for an emergency response  
111 since a conflict with section 105.15-3 of the Boards, Committees, and Commissions law no  
112 longer exists, and the direct reports and employees of those designated areas can now  
113 participate on this Emergency Management Operations Team to achieve the best emergency  
114 response for the Nation.

115 **B. *Emergency Briefings.*** A new provision was added to the Law which requires that within forty-eight  
116 (48) hours of an emergency, the Emergency Management Director shall prepare, or shall work in  
117 conjunction with the appropriate entity to prepare, an emergency briefing to be presented to the Oneida  
118 Business Committee regarding the status of the emergency, actions taken to address the emergency,  
119 and the activation of the Emergency Response Plan. [3 *O.C. 302.8-4*]. The Oneida Business Committee  
120 may then direct the Director to provide additional emergency briefings. *Id.*

121       ▪ ***Effect.*** The new provision ensures that the Emergency Management Director is briefing the  
122 Oneida Business Committee on the status of the emergency, actions taken to address the  
123 emergency, and the activation of the Emergency Response Plan so that the Oneida Business  
124 Committee stays informed on an emergency occurring within the Nation in an effort to make  
125 better policy decisions and provide greater communication to the community.

126 **C. *Preliminary Emergency Assessment Report.*** A new provision was added to the Law which requires  
127 that after an emergency has subsided, the Director shall prepare, or shall work in conjunction with the  
128 appropriate entity to prepare, a preliminary emergency assessment report to be presented to the Oneida  
129 Business Committee, any interested entity, and the public. [3 *O.C. 302.8-5*]. This report is required to  
130 be presented to the parties no later than thirty (30) days after the emergency has subsided, unless an  
131 extension is granted by the Oneida Business Committee.

- 132           ▪ *Effect.* The new provision to the Law ensures the Emergency Management Director is  
133 providing the Oneida Business Committee, any interested entity, and the public with a  
134 preliminary report that reviews the Nation’s response to an emergency, and identifies any areas  
135 in which the response could have been improved. Providing this information in a preliminary  
136 emergency assessment report allows the Nation to be best prepared in how to improve  
137 emergency response, in case an additional emergency occurs before the full analysis of a  
138 particular emergency response can be provided in the after-action report.
- 139 **D. *Extension of the Timeframe for an After-Action Report.*** Previously, the Law provided that after an  
140 emergency has subsided, the Emergency Director shall prepare, or shall work in conjunction with the  
141 appropriate entity to prepare, an after-action report to be presented to the Oneida Business Committee,  
142 any interested entity, and the public no later than sixty (60) days after the emergency has subsided,  
143 unless an extension is granted by the Oneida Business Committee. The amendments to the Law extend  
144 the timeframe for when an after-action report is required to be presented from sixty (60) days to ninety  
145 (90) days. [3 O.C. 302.8-6].
- 146           ▪ *Effect.* The amendments to the Law provide the Emergency Management Director additional  
147 time to prepare an after-action report to be presented to the Oneida Business Committee, any  
148 interested entity, and the public. The Emergency Management Director informed the  
149 Legislative Operating Committee that sixty (60) days is not a sufficient time allowance to  
150 complete this report, especially when there are times that information needs to be collected  
151 from other agencies to be included in the report.

152

## 153 **SECTION 6. EXISTING LEGISLATION**

154 **A. *Related Legislation.*** The following laws of the Nation are related to the emergency amendments to this  
155 Law:

- 156           ▪ *Legislative Procedures Act.* The Legislative Procedures Act was adopted by the General Tribal  
157 Council on January 7, 2013, for the purpose of providing a standard process for the adoption  
158 of laws of the Nation which includes taking into account comments from members of the  
159 Nation and input from agencies of the Nation. [1 O.C. 109.1-1, 109.1-2].
- 160           ▪ The Legislative Procedures Act provides a process for the adoption of emergency  
161 legislation when the legislation is necessary for the immediate preservation of the  
162 public health, safety, or general welfare of the Reservation population and the  
163 enactment or amendment of legislation is required sooner than would be possible under  
164 this law. [1 O.C. 109.9-5].
- 165           ▪ The Legislative Operating Committee is responsible for first reviewing the  
166 emergency legislation and for forwarding the legislation to the Oneida  
167 Business Committee for consideration. [1 O.C. 109.9-5(a)].
- 168           ▪ The proposed emergency legislation is required to have a legislative analysis  
169 completed and attached prior to being sent to the Oneida Business Committee  
170 for consideration. [1 O.C. 109.9-5(a)].
- 171           a. A legislative analysis is a plain language analysis describing the  
172 important features of the legislation being considered and factual  
173 information to enable the Legislative Operating Committee to make  
174 informed decisions regarding legislation. A legislative analysis



- 175 includes a statement of the legislation’s terms and substance; intent of  
176 the legislation; a description of the subject(s) involved, including any  
177 conflicts with Oneida or other law, key issues, potential impacts of the  
178 legislation and policy considerations. [1 O.C. 109.3-1(g)].
- 179     ▪ Emergency legislation does not require a fiscal impact statement to be  
180 completed or a public comment period to be held. [1 O.C. 109.9-5(a)].
  - 181     ▪ Upon the determination that an emergency exists the Oneida Business  
182 Committee can adopt emergency legislation. The emergency legislation  
183 becomes effective immediately upon its approval by the Oneida Business  
184 Committee. [1 O.C. 109.9-5(b)].
  - 185     ▪ Emergency legislation remains in effect for a period of up to six (6) months,  
186 with an opportunity for a one-time emergency law extension of up to six (6)  
187 months. [1 O.C. 109.9-5(b)].
  - 188     ▪ Adoption of these proposed emergency amendments conform with the requirements of  
189 the Legislative Procedures Act.
- 190

## 191 SECTION 7. OTHER CONSIDERATIONS

- 192 A. **Deadline for Permanent Adoption of Legislation.** The adoption of emergency amendments to the Law  
193 expire six (6) months after adoption. The emergency legislation may be renewed for an additional six  
194 (6) month period.
- 195     ▪ *Conclusion:* The Legislative Operating Committee will need to determine if the adoption of these  
196 amendments is necessary on a permanent basis, and if so, develop the permanent amendments to  
197 this Law within the next six (6) to twelve (12) months.
- 198 B. **Fiscal Impact.** A fiscal impact statement is not required for emergency legislation.
- 199     ▪ Under the Legislative Procedures Act, a fiscal impact statement is required for all legislation except  
200 emergency legislation [1 O.C. 109.6-1].

201

**Title 3. Health and Public Safety – Chapter 302**

**Yotlihokté Olihwa’ke**

*Matters that are concerning immediate attention*

**EMERGENCY MANAGEMENT**

302.1. Purpose and Policy

302.2. Adoption, Amendment, Conflicts

302.3. Definitions

302.4. Emergency Management Department

302.5. ~~Oneida Nation~~ Emergency ~~Planning Committee~~ Management Operations Team

302.6. Entity Cooperation

302.7. Public Health Emergencies

302.8. Proclamation of an Emergency

302.9. Emergency Core Decision Making Team

302.10. Enforcement and Penalties

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**302.1. Purpose and Policy**

302.1-1. *Purpose.* The purpose of this law is to:

- (a) provide for the development and execution of plans for the protection of residents, property, and the environment in an emergency or disaster;
- (b) provide for the direction of emergency management, response, and recovery on the Reservation; as well as coordination with other agencies, victims, businesses, and organizations;
- (c) establish the use of the National Incident Management System (NIMS); and
- (d) designate authority and responsibilities for public health preparedness.

302.1-2. *Policy.* It is the policy of the Nation to provide:

- (a) a description of the emergency management network of the Nation;
- (b) authorization for specialized activities to mitigate hazardous conditions and for the preparation of the Nation’s emergency response plans, as well as to address concerns related to isolation and/or quarantine orders, emergency care, and mutual aid; and
- (c) for all expenditures made in connection with such emergency management activities to be deemed specifically for the protection and benefit of the inhabitants, property, and environment of the Reservation.

**302.2. Adoption, Amendment, Repeal**

302.2-1. This law was adopted by the Oneida Business Committee by resolution BC-07-15-98-A ~~and~~, amended by resolution BC-12-20-06-G, BC-05-13-09-F, and BC-03-10-21-A~~;~~ and emergency amended by resolution BC- - - - - .

302.2-2. This law may be amended or repealed by the Oneida Business Committee and/or General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

302.2-3. Should a provision of this law or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this law which are considered to have legal force without the invalid portions.

302.2-4. In the event of a conflict between a provision of this law and a provision of another law, the provisions of this law shall control.

302.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

**302.3. Definitions**

302.3-1. This section shall govern the definitions of words or phrases as used within this law. All words not defined herein shall be used in their ordinary and everyday sense.

- (a) “Biological agent” means an infectious disease or toxin that has the ability to adversely affect human health in a variety of ways, from mild allergic reactions to serious medical

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- 39 conditions, and including death.
- 40 (b) “Communicable disease” means any disease transmitted from one person or animal to
- 41 another directly by contact with excreta or other discharges from the body, or indirectly via
- 42 substances or inanimate objects that may cause a public health emergency.
- 43 (c) “Community/Public Health Officer” means an agent of the Comprehensive Health
- 44 Division, or his or her designee(s), who is responsible for taking the appropriate actions in
- 45 order to prevent a public health emergency from occurring on the Reservation.
- 46 (d) “Comprehensive Health Division” means the Oneida Comprehensive Health Division,
- 47 which is authorized to issue compulsory vaccinations, require isolation, and quarantine
- 48 individuals in order to protect the public health.
- 49 (e) “Director” means the Director of the Nation’s Emergency Management Department.
- 50 (f) “Emergency” means a situation that poses an immediate risk to health, life, safety,
- 51 property, or environment which requires urgent intervention to prevent further illness,
- 52 injury, death, or other worsening of the situation.
- 53 (g) “Emergency Management Network” means the entities, volunteers, consultants,
- 54 contractors, outside agencies, and any other resources the Nation may use to facilitate inter-
- 55 agency collaboration, identify and share resources, and better prepare for local incidents
- 56 and large-scale disasters.
- 57 (h) “Emergency Response Plan” means the plan established to coordinate mitigation,
- 58 preparedness, response, and recovery activities for all emergency or disaster situations
- 59 within the Reservation.
- 60 (i) “Entity” means any agency, board, committee, commission, or department of the
- 61 Nation.
- 62 (j) “Fair Market Value” means the everyday cost of a product in an ordinary market,
- 63 absent of a disaster.
- 64 (k) “Isolation” means the separation of persons or animals presumably or actually infected
- 65 with a communicable disease, or that are disease carriers, for the usual period of
- 66 communicability of that disease in such places and under such conditions as will prevent
- 67 the direct or indirect transmission of an infectious agent to susceptible people or to those
- 68 who may spread the agent to others.
- 69 (l) “Nation” means the Oneida Nation.
- 70 (m) “National Incident Management System” or “NIMS” means the system mandated by
- 71 Homeland Security Presidential Directive 5 (HSPD 5) issued on February 28, 2003, that
- 72 provides a consistent nationwide approach for federal, state, local, and tribal governments
- 73 to work effectively and efficiently together to prepare for, prevent, respond to, and recover
- 74 from domestic incidents, regardless of cause, size, or complexity.
- 75 ~~(n) “Oneida Nation Emergency Planning Committee” means the committee that assists the~~
- 76 ~~Director in the implementation of this law.~~
- 77 ~~(n)~~ “Proclaim” means to announce officially and publicly.
- 78 ~~(p)~~ “Public Health Emergency” means the occurrence or imminent threat of an illness
- 79 or health condition which:
- 80 (1) is a quarantinable disease, or is believed to be caused by bioterrorism or a
- 81 biological agent; and
- 82 (2) poses a high probability of any of the following:
- 83 (A) a large number of deaths or serious or long-term disability among

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84 humans; or  
85 (B) widespread exposure to a biological, chemical, or radiological agent  
86 that creates a significant risk of substantial future harm to a large number of  
87 people.

88 (ep) “Quarantine” means the limitation of freedom of movement of persons or animals  
89 that have been exposed to a communicable disease or chemical, biological, or radiological  
90 agent, for a period of time equal to the longest usual incubation period of the disease or  
91 until there is no risk of spreading the chemical, biological, or radiological agent. The  
92 limitation of movement shall be in such manner as to prevent the spread of a communicable  
93 disease or chemical, biological, or radiological agent.

94 (fq) “Reservation” means all land within the exterior boundaries of the Reservation of the  
95 Oneida Nation, as created pursuant to the 1838 Treaty with the Oneida, 7 Stat. 566, and  
96 any lands added thereto pursuant to federal law.

97 (sr) “Trial Court” means the Trial Court of the Oneida Nation Judiciary, which is the  
98 judicial system that was established by Oneida General Tribal Council resolution GTC-01-  
99 07-13-B, and then later authorized to administer the judicial authorities and responsibilities  
100 of the Nation by Oneida General Tribal Council resolution GTC-03-19-17-A.

101 (ts) “Vital resources” means food, water, equipment, sand, wood, or other materials  
102 obtained for the protection of life, property, and/or the environment during a proclaimed  
103 emergency.  
104

### 105 302.4. Emergency Management Department

106 302.4-1. The Emergency Management Department shall be responsible for planning and  
107 coordinating the response to a disaster or emergency that occurs within the boundaries of the  
108 Reservation.

109 302.4-2. *Authority of the Director.* The Director shall be responsible for coordinating and  
110 planning the operational response to an emergency and is hereby empowered to:

- 111 (a) organize and coordinate efforts of the emergency management network of the Nation;
- 112 (b) implement the Emergency Response Plan as adopted by the Oneida Business  
113 Committee;
- 114 (c) facilitate coordination and cooperation between entities and resolve questions that may  
115 arise among them;
- 116 (d) incorporate the HSPD 5 which requires all federal, state, local, and tribal governments  
117 to administer the best practices contained in the NIMS;
- 118 (e) coordinate the development and implementation of the NIMS within the Nation;
- 119 (f) ensure that the following occurs:
  - 120 (1) an Emergency Response Plan is developed and maintained, and includes  
121 training provisions for applicable personnel;
  - 122 (2) emergency resources, equipment, and communications systems are developed,  
123 procured, supplied, inventoried, and accounted for;
- 124 (g) establish the line of authority as recorded in the Emergency Response Plan as adopted  
125 by the Oneida Business Committee; and
- 126 (h) enter into mutual aid and service agreements with tribal, local, state, and federal  
127 governments, subject to Oneida Business Committee approval.

128 302.4-3. *Action when an Emergency is Proclaimed.* In addition, in the event of a proclamation of  
129 an emergency on the Reservation, the Director is hereby empowered:

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(a) to obtain vital resources and to bind the Nation for the fair market value thereof, upon approval of the Emergency Management purchasing agent, who is identified in the Emergency Response Plan. If a person or business refuses to provide the resource(s) required, the Director may commandeer resources for public use and bind the Nation for the fair market value thereof. In the event the purchasing agent is unavailable, the chain of command, as approved by the Oneida Business Committee, shall be followed.

(b) to require emergency activities of as many members of the Nation and/or employees as deemed necessary.

(c) to execute all of the ordinary powers of the Director, all of the special powers conferred by this law or by resolution adopted pursuant thereto, all powers conferred on the Director by any agreement approved by the Oneida Business Committee, and to exercise complete emergency authority over the Reservation.

(d) to coordinate with tribal, federal, state, and local authorities.

### **302.5. ~~Oneida Nation Emergency Planning Committee~~ Management Operations Team**

302.5-1. ~~The Oneida Nation Establishment and Composition. There is hereby established an Emergency Planning Committee~~ Management Operations Team which shall consist of representatives from entities ~~and a community representative of the Nation~~ as identified ~~in the Oneida Nation Emergency Planning Committee bylaws as approved by the Oneida Business Committee.~~ Director.

302.5-2. Purpose. The ~~Oneida Nation Emergency Planning Committee~~ Management Operations Team shall meet as necessary ~~to, as determined by the Director, for the following purposes:~~

(a) assist the Director in drafting and maintaining the Emergency Response Plan; and

(b) assist the Director in ~~302.5-3. At the request of the Director, the Oneida Nation Emergency Planning Committee shall provide assistance to the Director in the implementation of the provisions of this law or any plan issued thereunder.~~

302.5-3. Expectations. Members of the Emergency Management Operations Team shall attend meetings, or send a designee in their absence, and comply with any training requirements set forth by the Director.

### **302.6. Entity Cooperation**

302.6-1. All entities shall comply with reasonable requests from the Director relating to emergency planning, emergency operations, and federal mandate compliance.

302.6-2. The Nation may implement more strict policies or requirements than those issued by the Community/Public Health Officer.

### **302.7. Public Health Emergencies**

302.7-1. In order to prevent a public health emergency, the Director and the Community/Public Health Officer shall take action to limit the spread of any communicable disease, in accordance with this law.

302.7-2. *Investigation of Communicable Disease.* If the Community/Public Health Officer suspects or is informed of the existence of any communicable disease, the Community/Public Health Officer shall investigate and make or cause examinations to be made, as are deemed necessary.

302.7-3. *Quarantinable Diseases.* The Community/Public Health Officer shall provide a list of quarantinable diseases specified in a resolution to be adopted by the Oneida Business Committee.

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176 302.7-4. *Authority of the Community/Public Health Officer.* The Community/Public Health  
177 Officer shall act as necessary to protect the public including, but not limited to, the following  
178 actions:

179 (a) Request the Director to take the necessary steps to have a public health emergency  
180 proclaimed;

181 (b) Quarantine, isolate, or take other communicable disease control measures upon an  
182 individual(s); and

183 (c) Issue any mandate, order, and/or require restrictions which may limit the spread of any  
184 communicable disease to any individual, business, or the general population of the  
185 Reservation.

186 302.7-5. *Quarantine and Isolation.* The Community/Public Health Officer shall immediately  
187 quarantine, isolate, and/or take other communicable disease control measures upon an individual  
188 if the Community/Public Health Officer receives a diagnostic report from a physician or a written  
189 or verbal notification from an individual or his or her parent or caretaker that gives the  
190 Community/Public Health Officer a reasonable belief that the individual has a communicable  
191 disease that is likely to cause a public health emergency.

192 (a) If an individual is infected with a communicable disease and the Community/Public  
193 Health Officer determines it is necessary to limit contact with the individual, all persons  
194 may be forbidden from being in direct contact with the infected individual, except for those  
195 persons having a special written permit from the Community/Public Health Officer.

196 (b) Any individual, including an authorized individual, who enters an isolation or  
197 quarantine premises may be subject to isolation or quarantine under this law.

198 (c) When the Community/Public Health Officer deems it necessary that an individual be  
199 quarantined, isolated, or otherwise restricted in a separate place, the Community/Public  
200 Health Officer shall have that individual removed to such a designated place, if it can be  
201 done without danger to the individual's health.

202 302.7-6. *Action when a Public Health Emergency is Proclaimed.* In addition, when a public health  
203 emergency is proclaimed, the Community/Public Health Officer may do all of the following, as  
204 necessary:

205 (a) organize the vaccination of individuals;

206 (1) The following types of individuals shall not be subject to a vaccination:

207 (A) an individual who the vaccination is reasonably likely to lead to serious  
208 harm to the individual; and

209 (B) an individual, for reason of religion or conscience, refuses to obtain the  
210 vaccination.

211 (b) isolate or quarantine individuals, including those who are unable or unwilling to receive  
212 a vaccination; and

213 (c) prevent any individual, except for those individuals authorized by the  
214 Community/Public Health Officer, from entering an isolation or quarantine premises.

215 302.7-7. The Oneida Police Department shall take enforcement action when necessary and work  
216 with the Community/Public Health Officer to execute the Community/Public Health Officer's  
217 orders and properly guard any place if quarantine, isolation, or other restrictions on communicable  
218 disease are violated or intent to violate becomes apparent.

219 302.7-8. Expenses for necessary medical care, food, and other articles needed for an infected  
220 individual shall be charged against the individual or whoever is liable for the individual's care and  
221 support.

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267**302.8. Proclamation of an Emergency**

302.8-1. *Proclamation of an Emergency.* The Oneida Business Committee shall be responsible for proclaiming or ratifying the existence of an emergency and for requesting a gubernatorial or presidential declaration.

(a) The Director may request that the Oneida Business Committee proclaim the existence of an emergency. The Oneida Business Committee may proclaim the existence of an emergency without a request from the Director, if warranted.

(b) In the event the Oneida Business Committee is unable to proclaim or ratify the existence of an emergency, the Director may proclaim an emergency which shall be in effect until such time the Oneida Business Committee can officially ratify this declaration.

302.8-2. No proclamation of an emergency by the Oneida Business Committee or the Director may last for longer than sixty (60) days, unless the proclamation of emergency is extended by the Oneida Business Committee.

302.8-3. *Management Network.* The emergency management network of the Reservation shall be as specified in the Emergency Response Plan, as adopted by the Oneida Business Committee.

302.8-4. Emergency Briefings. Within forty-eight (48) hours of an emergency, the Director shall prepare, or shall work in conjunction with the appropriate entity to prepare, an emergency briefing to be presented to the Oneida Business Committee regarding the status of the emergency, actions taken to address the emergency, and the activation of the Emergency Response Plan. The Oneida Business Committee may direct the Director to provide additional emergency briefings.

~~302.8-5. After Action Preliminary Emergency Assessment Report.~~ After an emergency has subsided, the Director shall prepare, or shall work in conjunction with the appropriate entity to prepare, ~~an after-action~~ preliminary emergency assessment report to be presented to the Oneida Business Committee, any interested entity, and the public. This report shall be presented to the required parties no later than ~~sixty (60)~~ thirty (30) days after the emergency has subsided, unless an extension is granted by the Oneida Business Committee.

302.8-6. After-Action Report. After an emergency has subsided, the Director shall prepare, or shall work in conjunction with the appropriate entity to prepare, an after-action report to be presented to the Oneida Business Committee, any interested entity, and the public. This report shall be presented to the required parties no later than ninety (90) days after the emergency has subsided, unless an extension is granted by the Oneida Business Committee.

~~302.8-7. 302.8-5.~~ During a proclaimed emergency, the Conservation Department shall be responsible for the care, disposal, and sheltering of all abandoned domestic animals and livestock. The Conservation Department may delegate this responsibility to a contracted agency.

**302.9. Emergency Core Decision Making Team**

302.9-1. *Emergency Core Decision Making Team.* Upon the proclamation of an emergency under this law, the Oneida Business Committee may establish an Emergency Core Decision Making Team through the adoption of a motion. The motion shall identify the positions of the Nation which shall make up the members of the Emergency Core Decision Making Team based on the type and severity of emergency the Nation is experiencing.

302.9-2. *Delegation of Authority.* The Emergency Core Decision Making Team shall have emergency authority to take the following actions:

(a) Notwithstanding any requirements of the Legislative Procedures Act, declare exceptions to the Nation's laws during the emergency period which will be of immediate

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268 impact for the purposes of protecting the health, safety, and general welfare of the Nation's  
269 community, members, and employees; and  
270 (b) Notwithstanding any requirements in any policy, procedure, regulation, or standard  
271 operating procedures, declare exceptions to any policy, procedure, regulation, or standard  
272 operating procedure during the emergency period which will be of immediate impact for  
273 the purposes of protecting the health, safety, and general welfare of the Nation's  
274 community, members, and employees.

275 302.9-3. *Declarations.* All declarations made by the Emergency Core Decision Making Team  
276 shall:

- 277 (a) be written on the Nation's letterhead;
- 278 (b) provide the date the declaration was issued;
- 279 (c) contain a clear statement of the directives;
- 280 (d) provide the date the directive shall go into effect;
- 281 (e) be signed by the Oneida Business Committee Chairperson, or Vice Chairperson in the  
282 Chairperson's absence; and
- 283 (f) be posted on the Nation's website.

284 302.9-4. *Duration of Authority for Exceptions Declared by the Emergency Core Decision Making*  
285 *Team.* Any declaration made under the authority granted in this section shall be effective upon  
286 the date declared by the Emergency Core Decision Making Team and shall be effective for the  
287 duration of any proclaimed emergency, or for a shorter time period if identified.

288 302.9-5. *Notification to the Oneida Business Committee.* Within twenty-four (24) hours of a  
289 declaration being made, the Emergency Core Decision Making Team shall provide notification of  
290 the declaration to the Oneida Business Committee.

291 302.9-6. The Oneida Business Committee may modify, extend, or repeal any declaration or  
292 emergency action taken by the Emergency Core Decision Making Team.

293

**302.10. Enforcement and Penalties**

295 302.10-1. It shall be a violation of this law for any person to not comply with or willfully obstruct,  
296 hinder, or delay the implementation or enforcement of the provisions of this law or any plan issued  
297 thereunder, whether or not an emergency has been proclaimed.

298 302.10-2. *Citations.* An Oneida Police Department officer may issue a citation to any person who  
299 violates a provision of this law.

300 (a) A citation for a violation of this law shall be processed in accordance with the procedure  
301 contained in the Nation's laws and policies governing citations.

302 (b) The Oneida Business Committee shall adopt through resolution a citation schedule  
303 which sets forth specific fine amounts for violations of this law.

304 (c) The Trial Court shall have jurisdiction over any action brought under this law.

305 302.10-3. *Disciplinary Action.* An employee of the Nation who violates this law during their work  
306 hours or who refuses to follow the Emergency Response Plan may be subject to disciplinary action  
307 in accordance with the Nation's laws and policies governing employment.

308 (a) An employee of the Nation who is disciplined under this law may appeal the  
309 disciplinary action in accordance with the Nation's laws and policies governing  
310 employment.

311

312 *End.*

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- 314 Adopted - BC-07-15-98-A
- 315 Amended - BC-12-20-06-G
- 316 Emergency Amended – BC-04-30-09-A (Influenza A (H1N1))
- 317 Amended - BC-05-13-09-F
- 318 Emergency Amended – BC-03-17-20-E (COVID-19)
- 319 Extension of Emergency – BC-08-26-20-A
- 320 Amended – BC-03-10-21-A
- 321 Emergency Amended – BC- - - -

**Title 3. Health and Public Safety – Chapter 302**  
**Yotlihokté Olihwá:ke**  
*Matters that are concerning immediate attention*  
**EMERGENCY MANAGEMENT**

302.1. Purpose and Policy	302.6. Entity Cooperation
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302.3. Definitions	302.8. Proclamation of an Emergency
302.4. Emergency Management Department	302.9. Emergency Core Decision Making Team
302.5. Emergency Management Operations Team	302.10. Enforcement and Penalties

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**302.1. Purpose and Policy**

302.1-1. *Purpose.* The purpose of this law is to:

- (a) provide for the development and execution of plans for the protection of residents, property, and the environment in an emergency or disaster;
- (b) provide for the direction of emergency management, response, and recovery on the Reservation; as well as coordination with other agencies, victims, businesses, and organizations;
- (c) establish the use of the National Incident Management System (NIMS); and
- (d) designate authority and responsibilities for public health preparedness.

302.1-2. *Policy.* It is the policy of the Nation to provide:

- (a) a description of the emergency management network of the Nation;
- (b) authorization for specialized activities to mitigate hazardous conditions and for the preparation of the Nation’s emergency response plans, as well as to address concerns related to isolation and/or quarantine orders, emergency care, and mutual aid; and
- (c) for all expenditures made in connection with such emergency management activities to be deemed specifically for the protection and benefit of the inhabitants, property, and environment of the Reservation.

**302.2. Adoption, Amendment, Repeal**

302.2-1. This law was adopted by the Oneida Business Committee by resolution BC-07-15-98-A, amended by resolution BC-12-20-06-G, BC-05-13-09-F, and BC-03-10-21-A, and emergency amended by resolution BC-\_\_-\_\_-\_\_-\_\_.

302.2-2. This law may be amended or repealed by the Oneida Business Committee and/or General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

302.2-3. Should a provision of this law or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this law which are considered to have legal force without the invalid portions.

302.2-4. In the event of a conflict between a provision of this law and a provision of another law, the provisions of this law shall control.

302.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

**302.3. Definitions**

302.3-1. This section shall govern the definitions of words or phrases as used within this law. All words not defined herein shall be used in their ordinary and everyday sense.

- (a) “Biological agent” means an infectious disease or toxin that has the ability to adversely affect human health in a variety of ways, from mild allergic reactions to serious medical

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- 39 conditions, and including death.
- 40 (b) “Communicable disease” means any disease transmitted from one person or animal to
- 41 another directly by contact with excreta or other discharges from the body, or indirectly via
- 42 substances or inanimate objects that may cause a public health emergency.
- 43 (c) “Community/Public Health Officer” means an agent of the Comprehensive Health
- 44 Division, or his or her designee(s), who is responsible for taking the appropriate actions in
- 45 order to prevent a public health emergency from occurring on the Reservation.
- 46 (d) “Comprehensive Health Division” means the Oneida Comprehensive Health Division,
- 47 which is authorized to issue compulsory vaccinations, require isolation, and quarantine
- 48 individuals in order to protect the public health.
- 49 (e) “Director” means the Director of the Nation’s Emergency Management Department.
- 50 (f) “Emergency” means a situation that poses an immediate risk to health, life, safety,
- 51 property, or environment which requires urgent intervention to prevent further illness,
- 52 injury, death, or other worsening of the situation.
- 53 (g) “Emergency Management Network” means the entities, volunteers, consultants,
- 54 contractors, outside agencies, and any other resources the Nation may use to facilitate inter-
- 55 agency collaboration, identify and share resources, and better prepare for local incidents
- 56 and large-scale disasters.
- 57 (h) “Emergency Response Plan” means the plan established to coordinate mitigation,
- 58 preparedness, response, and recovery activities for all emergency or disaster situations
- 59 within the Reservation.
- 60 (i) “Entity” means any agency, board, committee, commission, or department of the
- 61 Nation.
- 62 (j) “Fair Market Value” means the everyday cost of a product in an ordinary market,
- 63 absent of a disaster.
- 64 (k) “Isolation” means the separation of persons or animals presumably or actually infected
- 65 with a communicable disease, or that are disease carriers, for the usual period of
- 66 communicability of that disease in such places and under such conditions as will prevent
- 67 the direct or indirect transmission of an infectious agent to susceptible people or to those
- 68 who may spread the agent to others.
- 69 (l) “Nation” means the Oneida Nation.
- 70 (m) “National Incident Management System” or “NIMS” means the system mandated by
- 71 Homeland Security Presidential Directive 5 (HSPD 5) issued on February 28, 2003, that
- 72 provides a consistent nationwide approach for federal, state, local, and tribal governments
- 73 to work effectively and efficiently together to prepare for, prevent, respond to, and recover
- 74 from domestic incidents, regardless of cause, size, or complexity.
- 75 (n) “Proclaim” means to announce officially and publicly.
- 76 (o) “Public Health Emergency” means the occurrence or imminent threat of an illness or
- 77 health condition which:
- 78 (1) is a quarantinable disease, or is believed to be caused by bioterrorism or a
- 79 biological agent; and
- 80 (2) poses a high probability of any of the following:
- 81 (A) a large number of deaths or serious or long-term disability among
- 82 humans; or
- 83 (B) widespread exposure to a biological, chemical, or radiological agent

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84 that creates a significant risk of substantial future harm to a large number of  
85 people.

86 (p) “Quarantine” means the limitation of freedom of movement of persons or animals that  
87 have been exposed to a communicable disease or chemical, biological, or radiological  
88 agent, for a period of time equal to the longest usual incubation period of the disease or  
89 until there is no risk of spreading the chemical, biological, or radiological agent. The  
90 limitation of movement shall be in such manner as to prevent the spread of a communicable  
91 disease or chemical, biological, or radiological agent.

92 (q) “Reservation” means all land within the exterior boundaries of the Reservation of the  
93 Oneida Nation, as created pursuant to the 1838 Treaty with the Oneida, 7 Stat. 566, and  
94 any lands added thereto pursuant to federal law.

95 (r) “Trial Court” means the Trial Court of the Oneida Nation Judiciary, which is the  
96 judicial system that was established by Oneida General Tribal Council resolution GTC-01-  
97 07-13-B, and then later authorized to administer the judicial authorities and responsibilities  
98 of the Nation by Oneida General Tribal Council resolution GTC-03-19-17-A.

99 (s) “Vital resources” means food, water, equipment, sand, wood, or other materials  
100 obtained for the protection of life, property, and/or the environment during a proclaimed  
101 emergency.

102

#### 103 **302.4. Emergency Management Department**

104 302.4-1. The Emergency Management Department shall be responsible for planning and  
105 coordinating the response to a disaster or emergency that occurs within the boundaries of the  
106 Reservation.

107 302.4-2. *Authority of the Director.* The Director shall be responsible for coordinating and  
108 planning the operational response to an emergency and is hereby empowered to:

109 (a) organize and coordinate efforts of the emergency management network of the Nation;  
110 (b) implement the Emergency Response Plan as adopted by the Oneida Business  
111 Committee;

112 (c) facilitate coordination and cooperation between entities and resolve questions that may  
113 arise among them;

114 (d) incorporate the HSPD 5 which requires all federal, state, local, and tribal governments  
115 to administer the best practices contained in the NIMS;

116 (e) coordinate the development and implementation of the NIMS within the Nation;

117 (f) ensure that the following occurs:

118 (1) an Emergency Response Plan is developed and maintained, and includes  
119 training provisions for applicable personnel;

120 (2) emergency resources, equipment, and communications systems are developed,  
121 procured, supplied, inventoried, and accounted for;

122 (g) establish the line of authority as recorded in the Emergency Response Plan as adopted  
123 by the Oneida Business Committee; and

124 (h) enter into mutual aid and service agreements with tribal, local, state, and federal  
125 governments, subject to Oneida Business Committee approval.

126 302.4-3. *Action when an Emergency is Proclaimed.* In addition, in the event of a proclamation of  
127 an emergency on the Reservation, the Director is hereby empowered:

128 (a) to obtain vital resources and to bind the Nation for the fair market value thereof, upon  
129 approval of the Emergency Management purchasing agent, who is identified in the

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130 Emergency Response Plan. If a person or business refuses to provide the resource(s)  
131 required, the Director may commandeer resources for public use and bind the Nation for  
132 the fair market value thereof. In the event the purchasing agent is unavailable, the chain of  
133 command, as approved by the Oneida Business Committee, shall be followed.

134 (b) to require emergency activities of as many members of the Nation and/or employees  
135 as deemed necessary.

136 (c) to execute all of the ordinary powers of the Director, all of the special powers conferred  
137 by this law or by resolution adopted pursuant thereto, all powers conferred on the Director  
138 by any agreement approved by the Oneida Business Committee, and to exercise complete  
139 emergency authority over the Reservation.

140 (d) to coordinate with tribal, federal, state, and local authorities.

141

### 142 **302.5. Emergency Management Operations Team**

143 302.5-1. *Establishment and Composition.* There is hereby established an Emergency Management  
144 Operations Team which shall consist of representatives from entities of the Nation as identified by  
145 the Director.

146 302.5-2. *Purpose.* The Emergency Management Operations Team shall meet as necessary, as  
147 determined by the Director, for the following purposes:

148 (a) assist the Director in drafting and maintaining the Emergency Response Plan; and

149 (b) assist the Director in the implementation of the provisions of this law or any plan issued  
150 thereunder.

151 302.5-3. *Expectations.* Members of the Emergency Management Operations Team shall attend  
152 meetings, or send a designee in their absence, and comply with any training requirements set forth  
153 by the Director.

154

### 155 **302.6. Entity Cooperation**

156 302.6-1. All entities shall comply with reasonable requests from the Director relating to  
157 emergency planning, emergency operations, and federal mandate compliance.

158 302.6-2. The Nation may implement more strict policies or requirements than those issued by the  
159 Community/Public Health Officer.

160

### 161 **302.7. Public Health Emergencies**

162 302.7-1. In order to prevent a public health emergency, the Director and the Community/Public  
163 Health Officer shall take action to limit the spread of any communicable disease, in accordance  
164 with this law.

165 302.7-2. *Investigation of Communicable Disease.* If the Community/Public Health Officer  
166 suspects or is informed of the existence of any communicable disease, the Community/Public  
167 Health Officer shall investigate and make or cause examinations to be made, as are deemed  
168 necessary.

169 302.7-3. *Quarantinable Diseases.* The Community/Public Health Officer shall provide a list of  
170 quarantinable diseases specified in a resolution to be adopted by the Oneida Business Committee.

171 302.7-4. *Authority of the Community/Public Health Officer.* The Community/Public Health  
172 Officer shall act as necessary to protect the public including, but not limited to, the following  
173 actions:

174 (a) Request the Director to take the necessary steps to have a public health emergency  
175 proclaimed;

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- 176 (b) Quarantine, isolate, or take other communicable disease control measures upon an  
177 individual(s); and  
178 (c) Issue any mandate, order, and/or require restrictions which may limit the spread of any  
179 communicable disease to any individual, business, or the general population of the  
180 Reservation.

181 302.7-5. *Quarantine and Isolation.* The Community/Public Health Officer shall immediately  
182 quarantine, isolate, and/or take other communicable disease control measures upon an individual  
183 if the Community/Public Health Officer receives a diagnostic report from a physician or a written  
184 or verbal notification from an individual or his or her parent or caretaker that gives the  
185 Community/Public Health Officer a reasonable belief that the individual has a communicable  
186 disease that is likely to cause a public health emergency.

187 (a) If an individual is infected with a communicable disease and the Community/Public  
188 Health Officer determines it is necessary to limit contact with the individual, all persons  
189 may be forbidden from being in direct contact with the infected individual, except for those  
190 persons having a special written permit from the Community/Public Health Officer.

191 (b) Any individual, including an authorized individual, who enters an isolation or  
192 quarantine premises may be subject to isolation or quarantine under this law.

193 (c) When the Community/Public Health Officer deems it necessary that an individual be  
194 quarantined, isolated, or otherwise restricted in a separate place, the Community/Public  
195 Health Officer shall have that individual removed to such a designated place, if it can be  
196 done without danger to the individual's health.

197 302.7-6. *Action when a Public Health Emergency is Proclaimed.* In addition, when a public health  
198 emergency is proclaimed, the Community/Public Health Officer may do all of the following, as  
199 necessary:

200 (a) organize the vaccination of individuals;

201 (1) The following types of individuals shall not be subject to a vaccination:

202 (A) an individual who the vaccination is reasonably likely to lead to serious  
203 harm to the individual; and

204 (B) an individual, for reason of religion or conscience, refuses to obtain the  
205 vaccination.

206 (b) isolate or quarantine individuals, including those who are unable or unwilling to receive  
207 a vaccination; and

208 (c) prevent any individual, except for those individuals authorized by the  
209 Community/Public Health Officer, from entering an isolation or quarantine premises.

210 302.7-7. The Oneida Police Department shall take enforcement action when necessary and work  
211 with the Community/Public Health Officer to execute the Community/Public Health Officer's  
212 orders and properly guard any place if quarantine, isolation, or other restrictions on communicable  
213 disease are violated or intent to violate becomes apparent.

214 302.7-8. Expenses for necessary medical care, food, and other articles needed for an infected  
215 individual shall be charged against the individual or whoever is liable for the individual's care and  
216 support.

217

## 218 **302.8. Proclamation of an Emergency**

219 302.8-1. *Proclamation of an Emergency.* The Oneida Business Committee shall be responsible  
220 for proclaiming or ratifying the existence of an emergency and for requesting a gubernatorial or  
221 presidential declaration.

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222 (a) The Director may request that the Oneida Business Committee proclaim the existence  
223 of an emergency. The Oneida Business Committee may proclaim the existence of an  
224 emergency without a request from the Director, if warranted.

225 (b) In the event the Oneida Business Committee is unable to proclaim or ratify the  
226 existence of an emergency, the Director may proclaim an emergency which shall be in  
227 effect until such time the Oneida Business Committee can officially ratify this declaration.

228 302.8-2. No proclamation of an emergency by the Oneida Business Committee or the Director  
229 may last for longer than sixty (60) days, unless the proclamation of emergency is extended by the  
230 Oneida Business Committee.

231 302.8-3. *Management Network.* The emergency management network of the Reservation shall  
232 be as specified in the Emergency Response Plan, as adopted by the Oneida Business Committee.

233 302.8-4. *Emergency Briefings.* Within forty-eight (48) hours of an emergency, the Director shall  
234 prepare, or shall work in conjunction with the appropriate entity to prepare, an emergency briefing  
235 to be presented to the Oneida Business Committee regarding the status of the emergency, actions  
236 taken to address the emergency, and the activation of the Emergency Response Plan. The Oneida  
237 Business Committee may direct the Director to provide additional emergency briefings.

238 302.8-5. *Preliminary Emergency Assessment Report.* After an emergency has subsided, the  
239 Director shall prepare, or shall work in conjunction with the appropriate entity to prepare, a  
240 preliminary emergency assessment report to be presented to the Oneida Business Committee, any  
241 interested entity, and the public. This report shall be presented to the required parties no later than  
242 thirty (30) days after the emergency has subsided, unless an extension is granted by the Oneida  
243 Business Committee.

244 302.8-6. *After-Action Report.* After an emergency has subsided, the Director shall prepare, or  
245 shall work in conjunction with the appropriate entity to prepare, an after-action report to be  
246 presented to the Oneida Business Committee, any interested entity, and the public. This report  
247 shall be presented to the required parties no later than ninety (90) days after the emergency has  
248 subsided, unless an extension is granted by the Oneida Business Committee.

249 302.8-7. During a proclaimed emergency, the Conservation Department shall be responsible for  
250 the care, disposal, and sheltering of all abandoned domestic animals and livestock. The  
251 Conservation Department may delegate this responsibility to a contracted agency.

252

### 253 **302.9. Emergency Core Decision Making Team**

254 302.9-1. *Emergency Core Decision Making Team.* Upon the proclamation of an emergency under  
255 this law, the Oneida Business Committee may establish an Emergency Core Decision Making  
256 Team through the adoption of a motion. The motion shall identify the positions of the Nation which  
257 shall make up the members of the Emergency Core Decision Making Team based on the type and  
258 severity of emergency the Nation is experiencing.

259 302.9-2. *Delegation of Authority.* The Emergency Core Decision Making Team shall have  
260 emergency authority to take the following actions:

261 (a) Notwithstanding any requirements of the Legislative Procedures Act, declare  
262 exceptions to the Nation's laws during the emergency period which will be of immediate  
263 impact for the purposes of protecting the health, safety, and general welfare of the Nation's  
264 community, members, and employees; and

265 (b) Notwithstanding any requirements in any policy, procedure, regulation, or standard  
266 operating procedures, declare exceptions to any policy, procedure, regulation, or standard  
267 operating procedure during the emergency period which will be of immediate impact for

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268 the purposes of protecting the health, safety, and general welfare of the Nation's  
269 community, members, and employees.

270 302.9-3. *Declarations*. All declarations made by the Emergency Core Decision Making Team  
271 shall:

- 272 (a) be written on the Nation's letterhead;
- 273 (b) provide the date the declaration was issued;
- 274 (c) contain a clear statement of the directives;
- 275 (d) provide the date the directive shall go into effect;
- 276 (e) be signed by the Oneida Business Committee Chairperson, or Vice Chairperson in the  
277 Chairperson's absence; and
- 278 (f) be posted on the Nation's website.

279 302.9-4. *Duration of Authority for Exceptions Declared by the Emergency Core Decision Making*  
280 *Team*. Any declaration made under the authority granted in this section shall be effective upon  
281 the date declared by the Emergency Core Decision Making Team and shall be effective for the  
282 duration of any proclaimed emergency, or for a shorter time period if identified.

283 302.9-5. *Notification to the Oneida Business Committee*. Within twenty-four (24) hours of a  
284 declaration being made, the Emergency Core Decision Making Team shall provide notification of  
285 the declaration to the Oneida Business Committee.

286 302.9-6. The Oneida Business Committee may modify, extend, or repeal any declaration or  
287 emergency action taken by the Emergency Core Decision Making Team.

288

### 289 **302.10. Enforcement and Penalties**

290 302.10-1. It shall be a violation of this law for any person to not comply with or willfully obstruct,  
291 hinder, or delay the implementation or enforcement of the provisions of this law or any plan issued  
292 thereunder, whether or not an emergency has been proclaimed.

293 302.10-2. *Citations*. An Oneida Police Department officer may issue a citation to any person who  
294 violates a provision of this law.

295 (a) A citation for a violation of this law shall be processed in accordance with the procedure  
296 contained in the Nation's laws and policies governing citations.

297 (b) The Oneida Business Committee shall adopt through resolution a citation schedule  
298 which sets forth specific fine amounts for violations of this law.

299 (c) The Trial Court shall have jurisdiction over any action brought under this law.

300 302.10-3. *Disciplinary Action*. An employee of the Nation who violates this law during their work  
301 hours or who refuses to follow the Emergency Response Plan may be subject to disciplinary action  
302 in accordance with the Nation's laws and policies governing employment.

303 (a) An employee of the Nation who is disciplined under this law may appeal the  
304 disciplinary action in accordance with the Nation's laws and policies governing  
305 employment.

306

307 *End.*

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308

309 Adopted - BC-07-15-98-A

310 Amended - BC-12-20-06-G

311 Emergency Amended – BC-04-30-09-A (Influenza A (H1N1))

312 Amended - BC-05-13-09-F

313 Emergency Amended – BC-03-17-20-E (COVID-19)

314 Extension of Emergency – BC-08-26-20-A



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- 315 Amended – BC-03-10-21-A
- 316 Emergency Amended – BC-\_\_-\_\_-\_\_-\_\_

Adopt resolution entitled Extension of Declaration of Public Health State of Emergency Until November 19

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## Business Committee Agenda Request

1. **Meeting Date Requested:** 9/14/22

2. **Session:**

Open     Executive – must qualify under §107.4-1.

Justification: *Choose or type justification.*

3. **Requested Motion:**

Accept as information; OR Enter the requested motion related to this item.

Adopt resolution to Extend Public Health State of Emergency

4. **Areas potentially impacted or affected by this request:**

Finance

Programs/Services

Law Office

MIS

Gaming/Retail

Boards, Committees, or Commissions

Other: ALL

5. **Additional attendees needed for this request:**

*Name, Title/Entity OR Choose from List*

Michelle Myers, Public Health Officer

**6. Supporting Documents:**

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Bylaws                 | <input type="checkbox"/> Fiscal Impact Statement | <input type="checkbox"/> Presentation                   |
| <input type="checkbox"/> Contract Document(s)   | <input type="checkbox"/> Law                     | <input checked="" type="checkbox"/> Report              |
| <input type="checkbox"/> Correspondence         | <input type="checkbox"/> Legal Review            | <input checked="" type="checkbox"/> Resolution          |
| <input type="checkbox"/> Draft GTC Notice       | <input type="checkbox"/> Minutes                 | <input type="checkbox"/> Rule (adoption packet)         |
| <input type="checkbox"/> Draft GTC Packet       | <input type="checkbox"/> MOU/MOA                 | <input checked="" type="checkbox"/> Statement of Effect |
| <input type="checkbox"/> E-poll results/back-up | <input type="checkbox"/> Petition                | <input type="checkbox"/> Travel Documents               |
| <input type="checkbox"/> Other:                 |  |   |

**7. Budget Information:**

- |   |  |
|---|--|
| <input type="checkbox"/> Budgeted – Tribal Contribution | <input type="checkbox"/> Budgeted – Grant Funded   |
| <input type="checkbox"/> Unbudgeted                     | <input checked="" type="checkbox"/> Not Applicable |
| <input type="checkbox"/> Other:                         |  |

**8. Submission:**

Authorized Sponsor: Kaylynn Gresham, Emergency Management Director

Primary Requestor: Michelle Myers, Public Health Officer

# Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

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**BC Resolution # \_\_\_\_\_  
Extension of Declaration of Public Health State of Emergency Until November 19, 2022**

**WHEREAS,** the Oneida Nation is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States of America; and

**WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation; and

**WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1, of the Oneida Tribal Constitution by the Oneida General Tribal Council; and

**WHEREAS,** the federal government has proclaimed a public health emergency related to the spread of the COVID-19 virus and has identified that the spread of the virus has resulted in large numbers of individuals becoming ill and high mortality rates, impacts to the stock markets, and businesses; and

**WHEREAS,** state governors, including the State of Wisconsin, have declared public health emergencies and state public health officers have issued orders, for example, closing public schools, limiting public gatherings, and closing restaurants and bars except for take-out orders; and

**WHEREAS,** on March 12, 2020 the Chairman declared a Public Health State of Emergency, the Oneida Business Committee took actions to take steps to protect the health and welfare of the members, employees and the community, including instituting expenditure restrictions to preserve resources for the provision of governmental services to members most at risk, closure of the Nation’s gaming operations, and insuring that employees will continue to be paid during the Public Health State of Emergency as long as the Nation’s resources will allow; and

**WHEREAS,** the Public Health State of Emergency has extended continuously since the initial declaration; and

**WHEREAS,** the status of the COVID-19 pandemic continues to change with identification of new variants and increases in positive rates and increased hospitalizations as identified by the U.S Centers for Disease Control (CDC) with recommendations being changed to reflect this constantly varying pandemic landscape; and

**WHEREAS,** the CDC is now recommending local review and actions based on lagging and leading indicators that show the ability of the local government and tribes to react to increasing and decreasing rates; and

**WHEREAS,** the Oneida Business Committee continues to work with the Public Health Officer to understand the public health impacts of COVID-19 and its variants in order to have the most effective information regarding public health safety declarations and guidelines; and

44 **WHEREAS,** the Oneida Business Committee has determined that continuing the Public Health State of  
45 Emergency continues to be necessary and that its declaration should be longer given the  
46 ongoing pandemic impact and the inability to identify mechanisms to control for infection  
47 or protect the public;  
48

49 *Extension of Public Health State of Emergency Declaration*

50 **NOW THEREFORE BE IT RESOLVED,** that in accordance with section 302.8-2 of the Emergency  
51 Management Law, the Oneida Business Committee extends the Public Health State of Emergency  
52 declaration ending at 11:59 p.m. on November 19, 2022.



## Statement of Effect

*Extension of Declaration of Public Health State of Emergency Until November 19, 2022*

### Summary

This resolution extends the Nation's Declaration of the Public Health State of Emergency until November 19, 2022.

*Submitted by: Clorissa N. Santiago, Senior Staff Attorney, Legislative Reference Office*

*Date: August 29, 2022*

### Analysis by the Legislative Reference Office

The Oneida Business Committee ("OBC") adopted the Emergency Management law to provide for the development and execution of plans that protect residents, property and the environment in an emergency or disaster; provide for the direction of emergency management, response and recovery on the Reservation, as well as coordination with other agencies, victims, businesses and organizations; establish the use of the National Incident Management System; and designate authority and responsibilities for public health preparedness. [3 O.C. 302.1-1].

Under the Emergency Management law, the OBC is delegated responsibility to proclaim or ratify the existence of a public health emergency. [3 O.C. 302.8-1]. A public health emergency means the occurrence or imminent threat of an illness or health condition which is a quarantinable disease and poses a high probability of a large number of deaths or serious or long-term disability among humans. [3 O.C. 302.3-1(p)]. No proclamation of an emergency by the OBC may last for longer than sixty (60) days, unless renewed by the OBC. [3 O.C. 302.8-2].

As a result of the COVID-19 virus, in accordance with the authority granted to the OBC under the Emergency Management law, on March 12, 2020, Chairman Tehassi Hill signed a "*Declaration of Public Health State of Emergency*" which set into place the necessary authority, should action need to be taken, and allows the Oneida Nation to seek reimbursement of emergency management actions that may result in unexpected expenses. [3 O.C. 302.8-1]. The OBC has since extended the Public Health State of Emergency until September 20, 2022, through adoption of the following resolutions: BC-03-26-20-A, BC-05-06-20-A, BC-06-10-20-A, BC-07-08-20-A, BC-08-06-20-A, BC-09-09-20-A, BC-10-08-20-A, BC-11-10-20-A, BC-12-09-20-D, BC-01-07-21-A, BC-02-10-21-A, BC-03-10-21-D, and BC-05-12-21-A, BC-06-23-21-B, BC-07-28-21-N, BC-09-22-21-A, BC-11-24-21-F, BC-01-12-22-B, BC-03-23-22-A, BC-05-11-22-E, BC-07-13-22-F. [3 O.C. 302.8-2].

This resolution provides that the OBC has determined that continuing the Public Health State of Emergency remains necessary given the ongoing pandemic impact and the inability to identify mechanisms to control for infection or protect the public.

Through the adoption of this resolution, in accordance with section 302.8-2 of the Emergency Management law, the Oneida Business Committee extends the Public Health State of Emergency declaration until 11:59 p.m. on November 19, 2022.

***Conclusion***

Adoption of this resolution would not conflict with any of the Nation's laws.

Oneida Comprehensive Health Division  
 Oneida Community Health Center  
 Behavioral Health Services  
 Anna John Resident Centered Care Community  
 Employee Health Nursing



**To:** Oneida Business Committee

**From:** Debra Danforth, Oneida Comprehensive Health Division Operations Director  
 Dr Jay Kennard, Oneida Comprehensive Health Division Medical Director  
 Michelle Myers, Community/ Public Health Officer

**Date:** September 6, 2022

**RE:** Recommendations to extend public health emergency

Throughout the pandemic, we have chosen to follow the science in our mitigation strategies aimed to slow the spread of COVID-19 in the Oneida Community.

With widespread access to vaccines, testing, treatment options and high levels of population immunity, we now look to the Centers for Disease Control and Prevention (CDC) COVID-19 Community Level metric to monitor risk of COVID-19. This metric looks not only at number of new COVID-19 cases, but also a community's ability to respond to an influx of new cases.

However, population specific data continues to demonstrate greater risk to the American Indian population in WI.

- Greater rates of COVID-19 illness than other WI residents.
- Lower COVID-19 vaccination rates than other WI residents.

Public health and other health experts monitoring the pandemic anticipate we will continue to experience periods of high COVID-19 cases, periods where new disease activity plateaus, followed again by periods of increasing new COVID-19 cases. This data reminds us COVID-19 is not gone and it continues to spread in our communities. It is important we continue to monitor available data and be prepared to quickly respond to changing conditions as they present.

The health response team recognizes the benefit of extending the public health emergency declaration:

- Allows flexibility to make quick pivots in our operations to control the spread of COVID-19 in the community should data metrics indicate the need.
- Provides more time for departments in the organization to work through recovery activities.
- Supports the need for continued flexibility for departments in the organization as the impact of the pandemic on the workforce will continue for some time.
- Allows time to monitor the distribution of the new bivalent COVID-19 vaccine boosters that will become available in September 2022.

Mailing Address: P.O. Box 365, Oneida, WI 54155  
<https://oneida-nsn.gov/resources/health/>

Oneida Community Health Center  
 Behavioral Health Services  
 Anna John Resident Centered Care Community  
 Employee Health Nursing

525 Airport Rd., Oneida, WI 54155  
 2640 West Point Rd., Green Bay, WI 54304  
 2901 S. Overland Rd., Oneida, WI 54155  
 701 Packerland Dr., Green Bay, WI 54303

Phone: (920) 869-2711 or 1-866-869-2711  
 Phone: (920) 490-3790 or 1-888-490-2457  
 Phone: (920) 869-2797  
 Phone: (920) 405-4492

Fax: (920) 869-1780  
 Fax: (920) 490-3883  
 Fax: (920) 869-3238  
 Fax: (920) 405-4494



In collaboration with Oneida Emergency Management, **the health response team recommends the Oneida Business Committee extend the public health emergency another 60 days.**

Thank you for your continued collaboration and partnership as we work together to stop the spread of COVID-19 in the Oneida community.

Sincerely,

Michelle Myers BSN, RN  
Community/ Public Health Officer

CC: Kaylynn Gresham, Emergency Management  
Debra Danforth, Comprehensive Health Division Operations Director  
Dr Kennard, Oneida Comprehensive Health Division Medical Director Mark  
Powless, General Manager

Oneida Comprehensive Health Division  
Oneida Community Health Center  
Behavioral Health Services  
Anna John Resident Centered Care Community  
Employee Health Nursing



Sept 6, 2022

Updated COVID-19 data to consider during discussions:

Extension of the Oneida Nation Public Health Emergency declaration.

Submitted by:

Debra Danforth, Dr Jay Kennard, Michelle Myers

Mailing Address: P.O. Box 365, Oneida, WI 54155  
<https://oneida-nsn.gov/resources/health/>

Oneida Community Health Center  
Behavioral Health Services  
Anna John Resident Centered Care Community  
Employee Health Nursing

525 Airport Rd., Oneida, WI 54155  
2640 West Point Rd., Green Bay, WI 54304  
2901 S. Overland Rd., Oneida, WI 54155  
701 Packerland Dr., Green Bay, WI 54303

Phone: (920) 869-2711 or 1-866-869-2711  
Phone: (920) 490-3790 or 1-888-490-2457  
Phone: (920) 869-2797  
Phone: (920) 405-4492

Fax: (920) 869-1780  
Fax: (920) 490-3883  
Fax: (920) 869-3238  
Fax: (920) 405-4494

**ONEIDA NATION JURISDICTION DATA:**

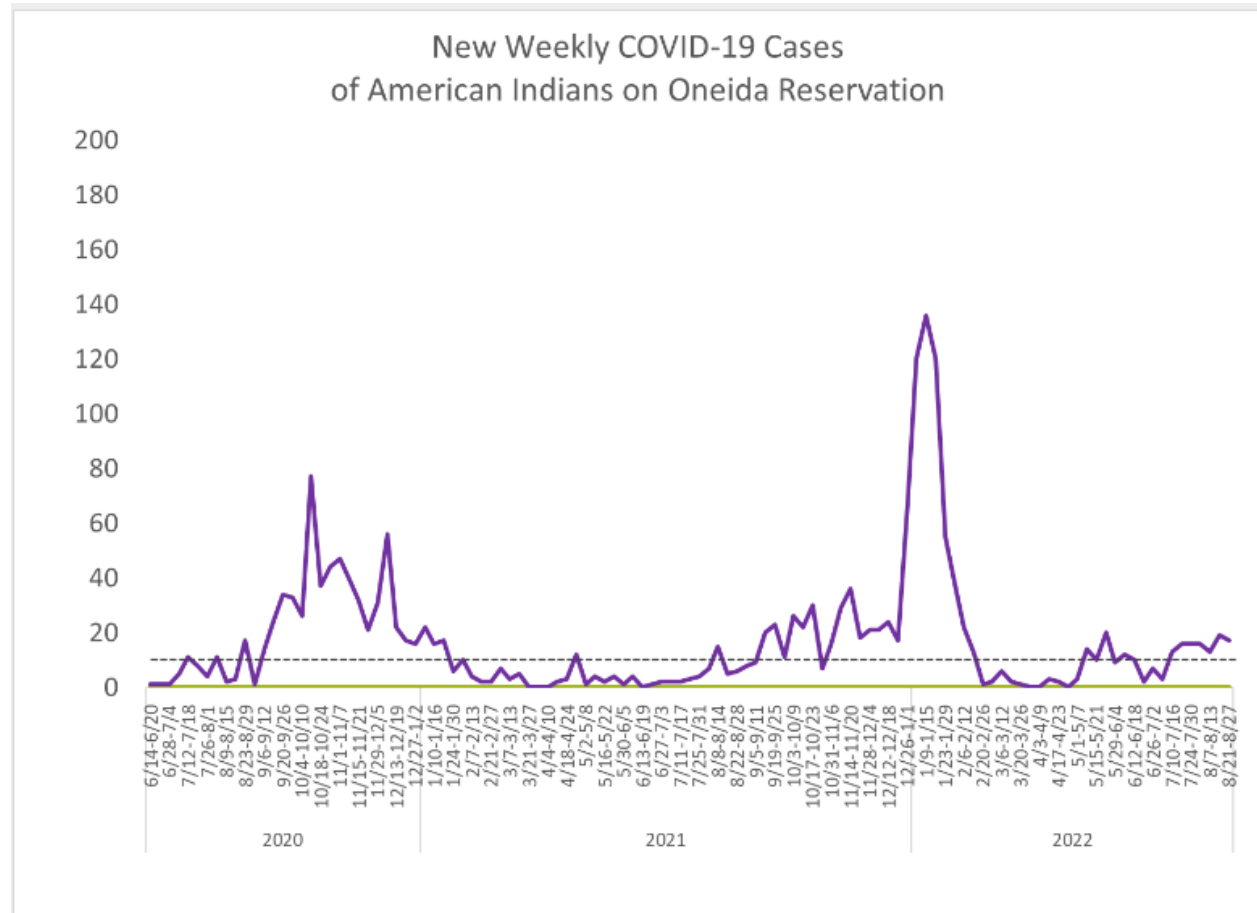
## COVID-19 Stats

### Oneida Nation COVID-19 Data

*As of 9/2/2022*

	Confirmed Positive Cases	Deaths
Oneida Nation Total	1,988 (+2)	12
Oneida Nation - Brown County	1,160	5
Oneida Nation - Outagamie County	828	7

Hospitalizations (Ever Hospitalized): 136  
 Vaccine Breakthrough Cases: 579



Oneida Nation Health Department retrieved 09/02/2022  
<https://oneida-nsn.gov/connect/news/oneida-nation-covid-19-resource-page/#Stats>

A good mind. A good heart. A strong fire.



## Relevant COVID-19 Case Count Data

## COVID-19: Racial and Ethnic Disparities

### Data view by case rates

#### Health impact of COVID-19 by race and ethnicity

Communities of color have experienced higher rates of COVID-19 cases, hospitalizations, and deaths since the pandemic began. Compared to White Wisconsin residents, Hispanic or Latinx residents have 1.4 times greater case rates, Black residents have 1.7 times greater hospitalization rates, and American Indian residents have 1.3 times greater death rates.

Even while negative outcomes are higher, vaccination rates are lower in communities of color. The highest disparities of vaccination rates exist in Black and Hispanic communities, where Black residents are 20 percent (0.8 times), and Hispanic or Latinx residents are slightly less (0.9 times) as likely to be vaccinated compared to White residents.

Hover over visuals to find more information.

View rates for:

- Cases
- Hospitalizations
- Deaths
- Vaccines

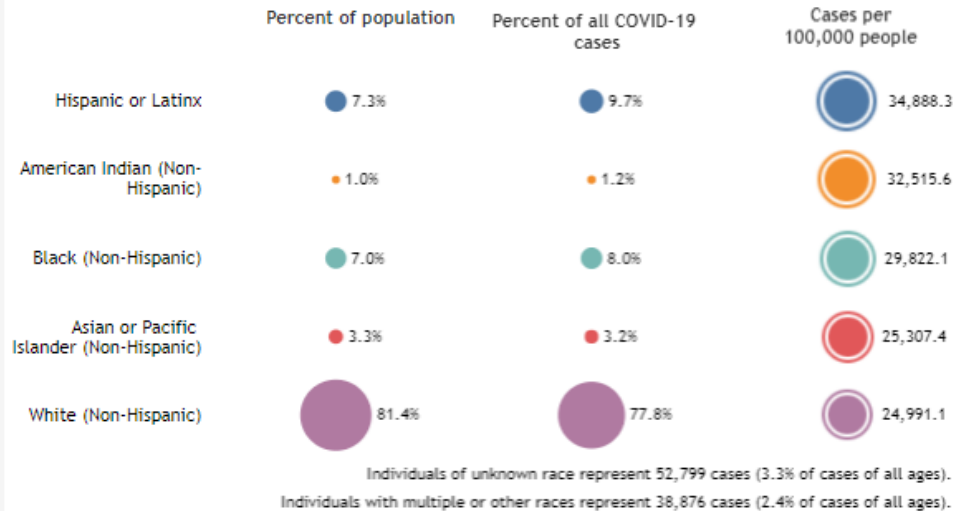
View by age group:

- All Ages
- <18
- 18-24
- 25-34
- 35-44
- 45-54
- 55-64
- 65+

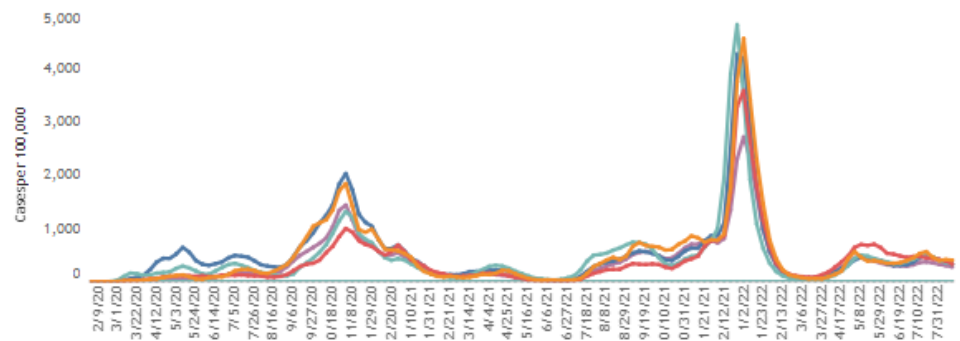
Legend:

- American Indian (Non-Hispanic)
- Asian or Pacific Islander (Non-Hispanic)
- Black (Non-Hispanic)
- Hispanic or Latinx
- White (Non-Hispanic)

Cases  
Updated: 9/2/2022  
Total cases: 1,616,216  
Unknown race/ethnicity: 52,799 (3.3%)



Rolling two-week cases per 100,000 people by date of symptom onset or diagnosis and race/ethnicity, for people of all ages



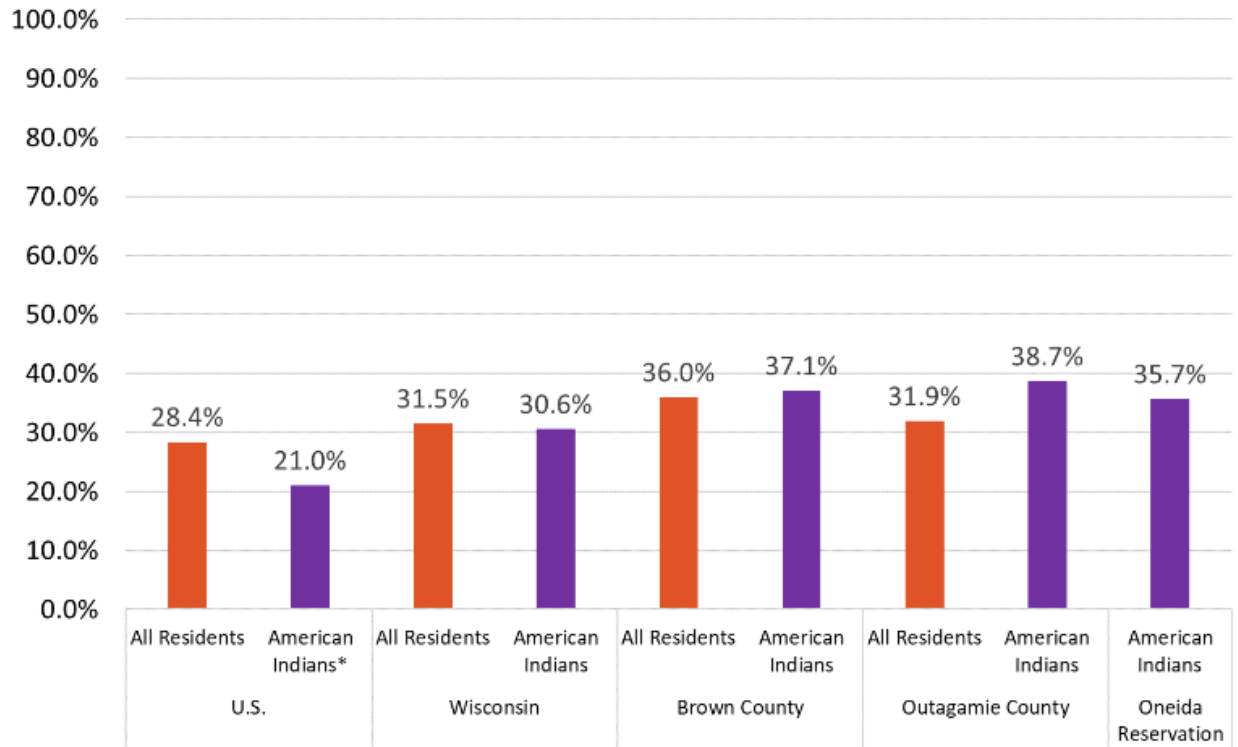
Data for the most recent week is preliminary.

WI Department of Health Services- Public Health retrieved 09/02/2022  
<https://www.dhs.wisconsin.gov/covid-19/disparities.htm>

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COVID-19 Confirmed & Probable Cases as a % of Population  
by Location for All Residents and American Indians as of 9/1/2022



\*CDC U.S. race data is incomplete, Data is confirmed & probable for State and County

WI Department of Health Services- Public Health

<https://data.dhsgis.wi.gov/datasets/covid-19-historical-data-table/data>

U.S. Centers for Disease Control and Prevention

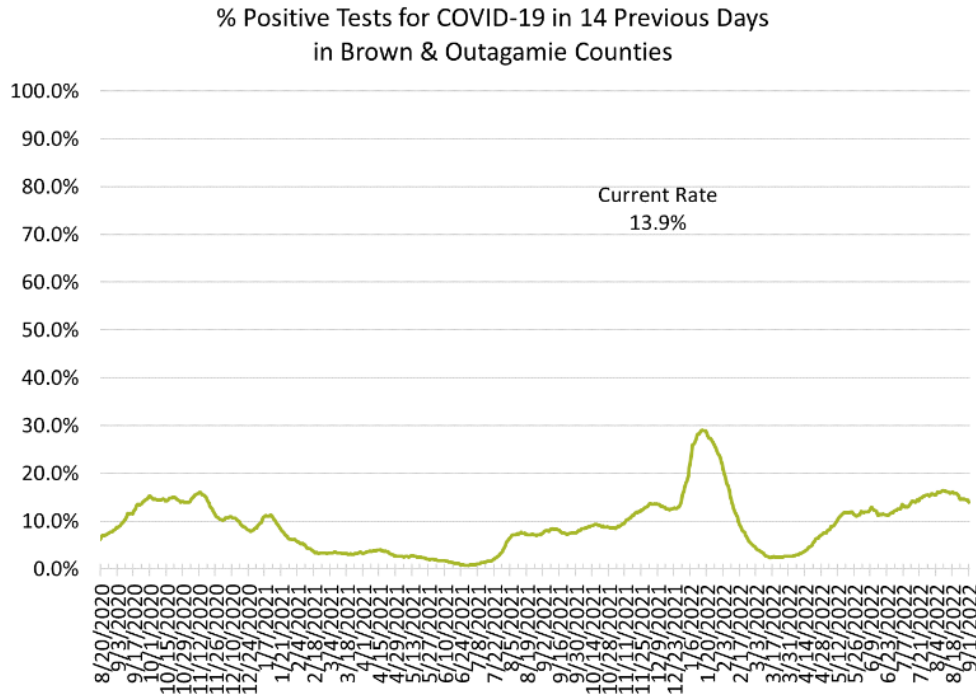
[https://covid.cdc.gov/covid-data-tracker/#cases\\_casesinlast7days](https://covid.cdc.gov/covid-data-tracker/#cases_casesinlast7days)

U.S. Census Bureau American Community Survey Population Estimates

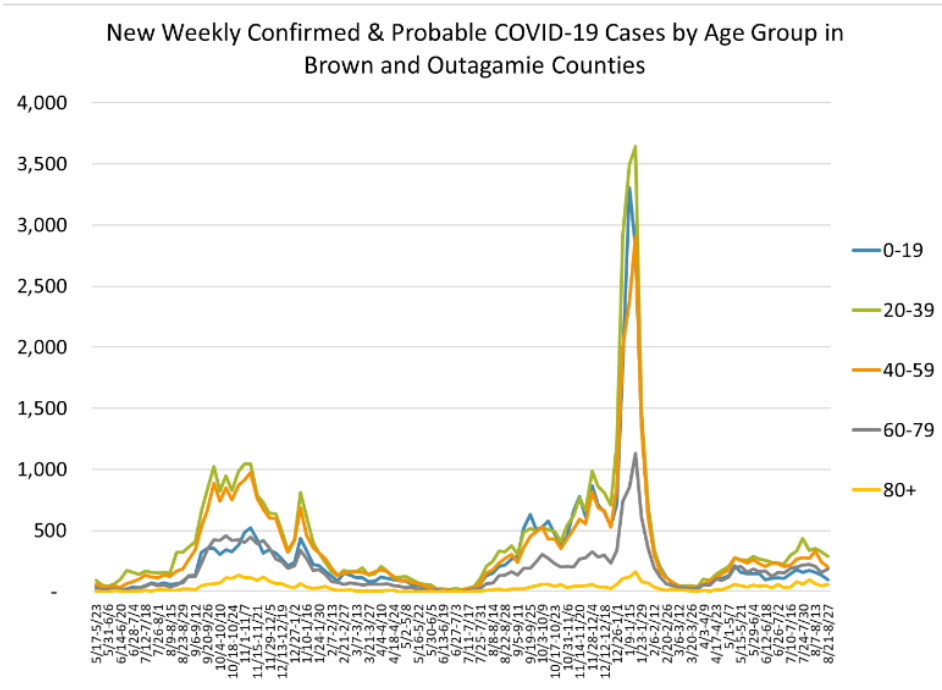
<https://data.census.gov/cedsci/advanced>

Oneida Nation Health Department

<https://oneida-nsn.gov/connect/news/oneida-nation-covid-19-resource-page/#Stats>



WI Department of Health Services- Public Health retrieved 09/02/2022  
<https://data.dhsgis.wi.gov/datasets/covid-19-historical-data-table/data>



WI Department of Health Services- Public Health retrieved 09/02/2022  
<https://data.dhsgis.wi.gov/datasets/covid-19-historical-data-table/data>

## Relevant COVID-19 Death Data



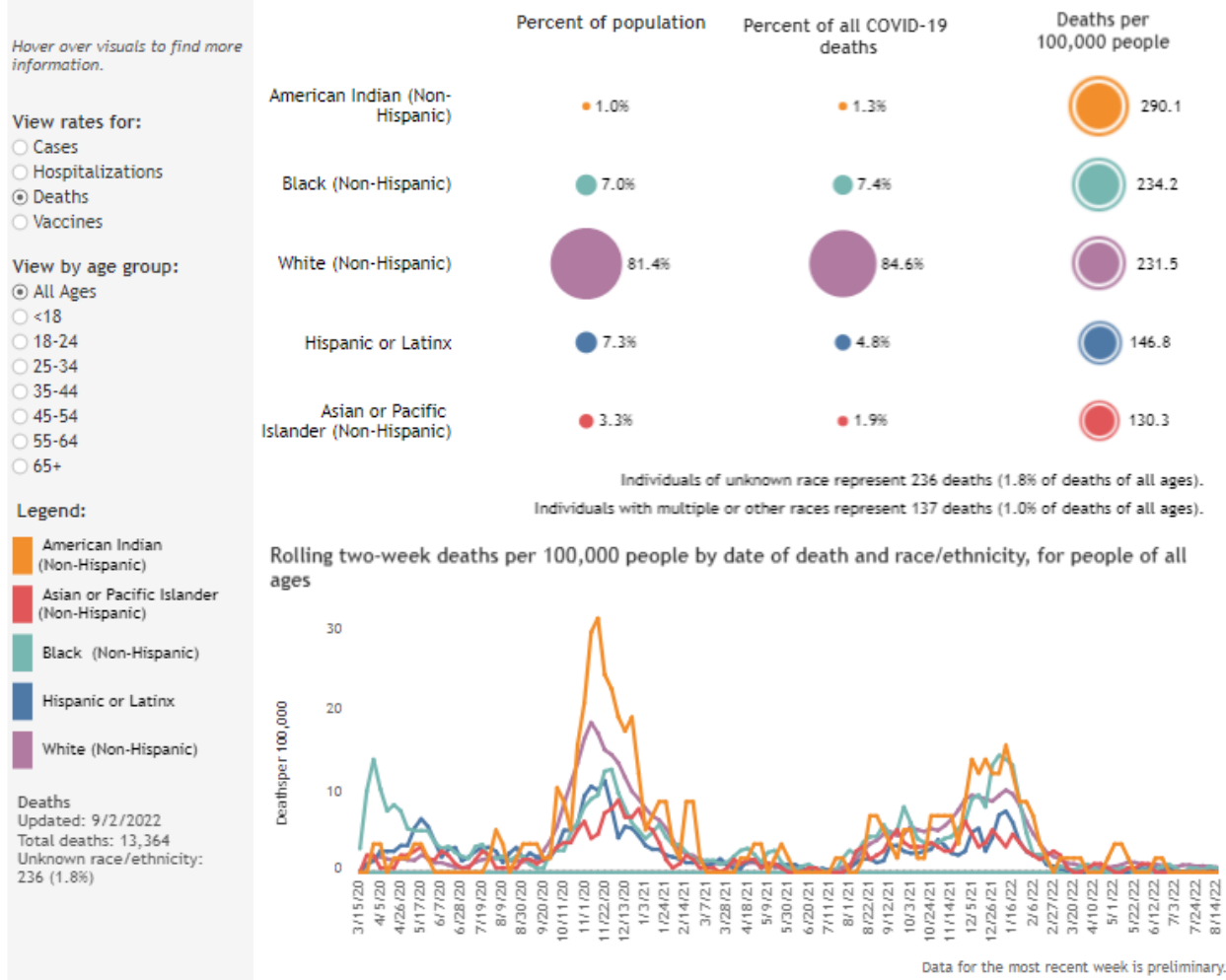
# COVID-19: Racial and Ethnic Disparities

## Data view by Death rates

### Health impact of COVID-19 by race and ethnicity

Communities of color have experienced higher rates of COVID-19 cases, hospitalizations, and deaths since the pandemic began. Compared to White Wisconsin residents, Hispanic or Latinx residents have 1.4 times greater case rates, Black residents have 1.7 times greater hospitalization rates, and American Indian residents have 1.3 times greater death rates.

Even while negative outcomes are higher, vaccination rates are lower in communities of color. The highest disparities of vaccination rates exist in Black and Hispanic communities, where Black residents are 20 percent (0.8 times), and Hispanic or Latinx residents are slightly less (0.9 times) as likely to be vaccinated compared to White residents.



WI Department of Health Services- Public Health retrieved 09/02/2022  
<https://www.dhs.wisconsin.gov/covid-19/disparities.htm>

A good mind. A good heart. A strong fire.



## Relevant COVID-19 Hospitalization Data

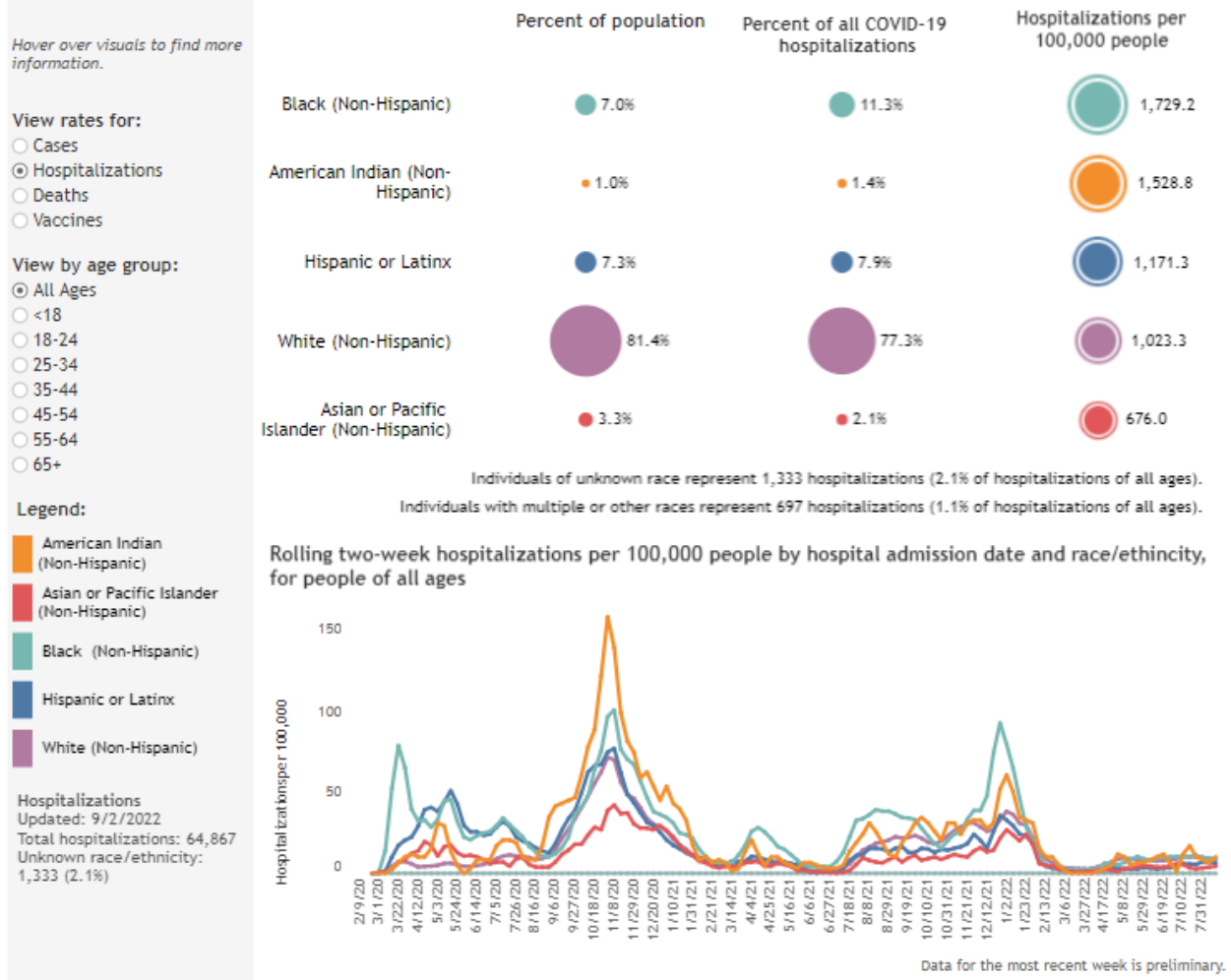
# COVID-19: Racial and Ethnic Disparities

## Data view by Hospitalization rates

### Health impact of COVID-19 by race and ethnicity

Communities of color have experienced higher rates of COVID-19 cases, hospitalizations, and deaths since the pandemic began. Compared to White Wisconsin residents, Hispanic or Latinx residents have 1.4 times greater case rates, Black residents have 1.7 times greater hospitalization rates, and American Indian residents have 1.3 times greater death rates.

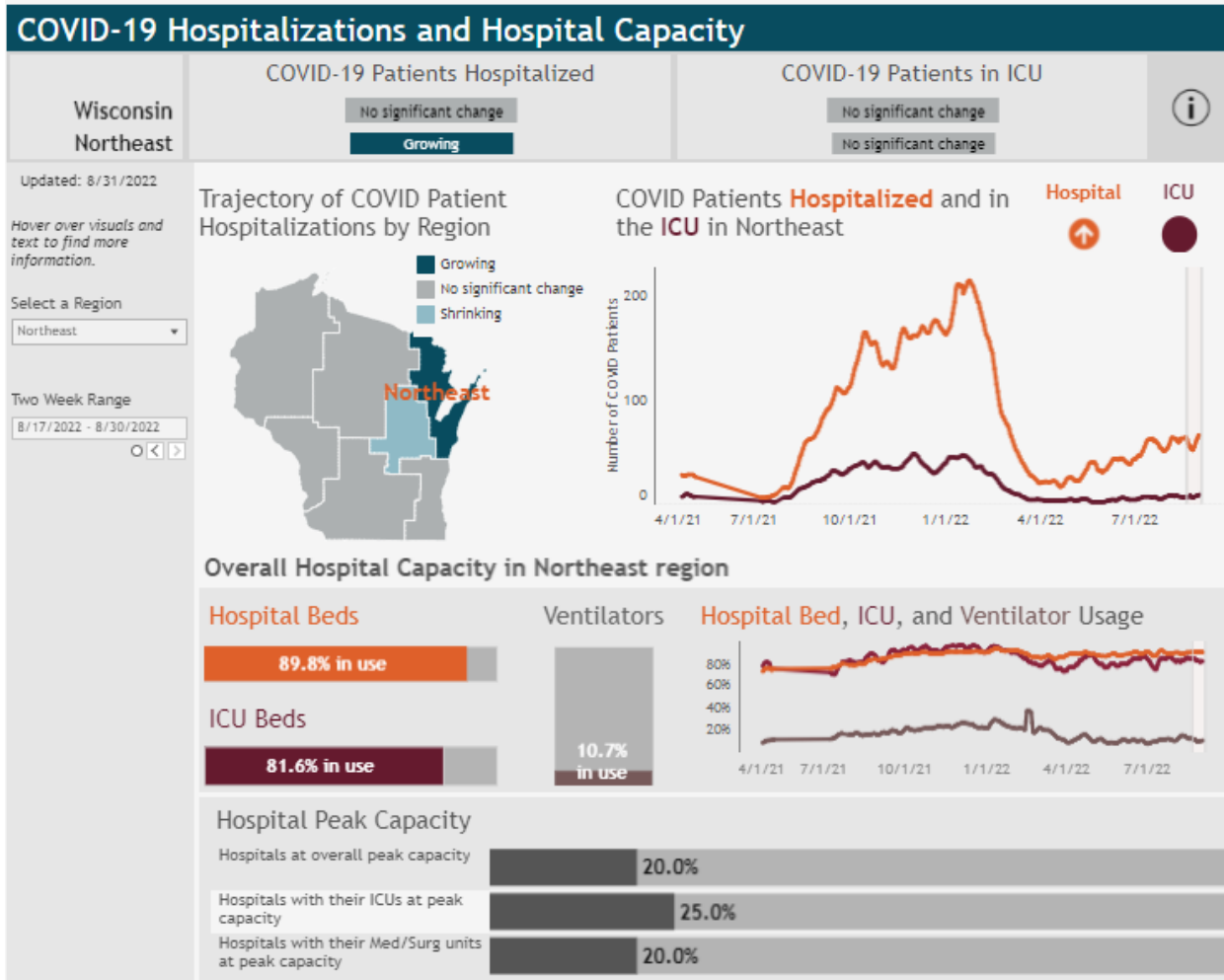
Even while negative outcomes are higher, vaccination rates are lower in communities of color. The highest disparities of vaccination rates exist in Black and Hispanic communities, where Black residents are 20 percent (0.8 times), and Hispanic or Latinx residents are slightly less (0.9 times) as likely to be vaccinated compared to White residents.



WI Department of Health Services- Public Health retrieved 09/02/2022

<https://www.dhs.wisconsin.gov/covid-19/disparities.htm>

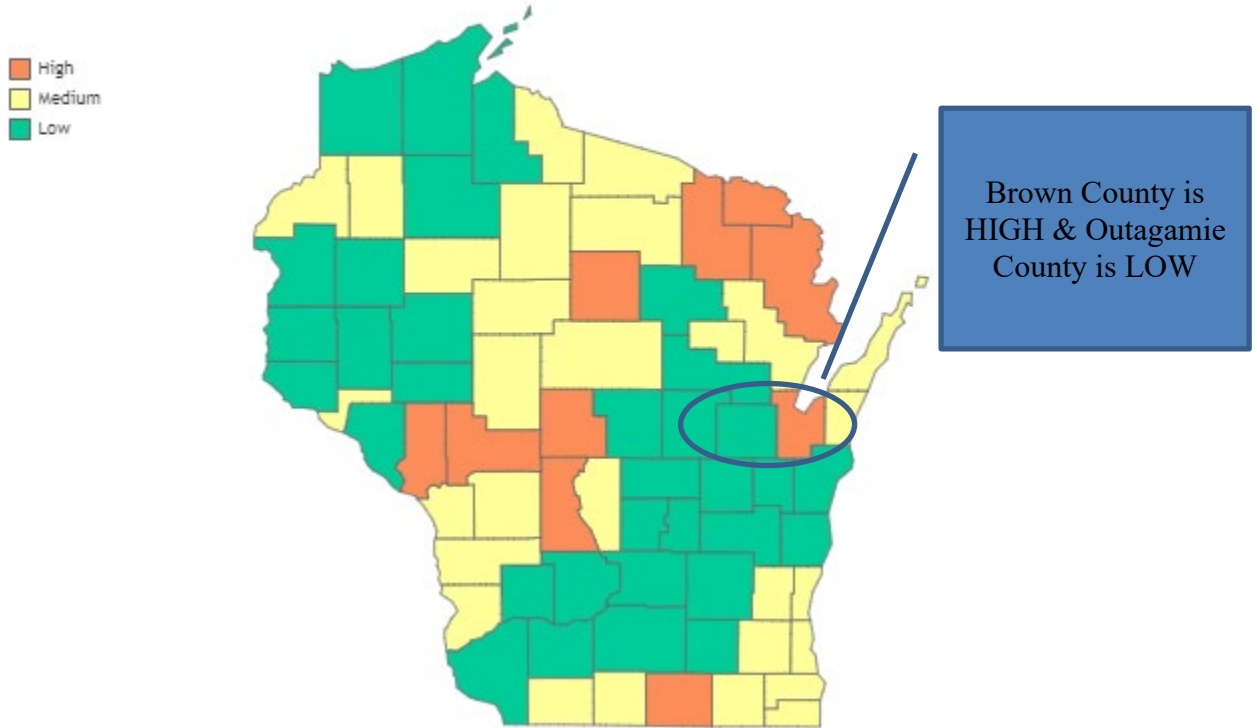
WISCONSIN: COVID-19 HOSPITALIZATIONS AND HOSPITAL CAPACITY



WI Department of Health Services- Public Health retrieved 09/02/2022  
<https://www.dhs.wisconsin.gov/covid-19/hosp-data.htm>

WISCONSIN: COVID-19 COMMUNITY LEVEL

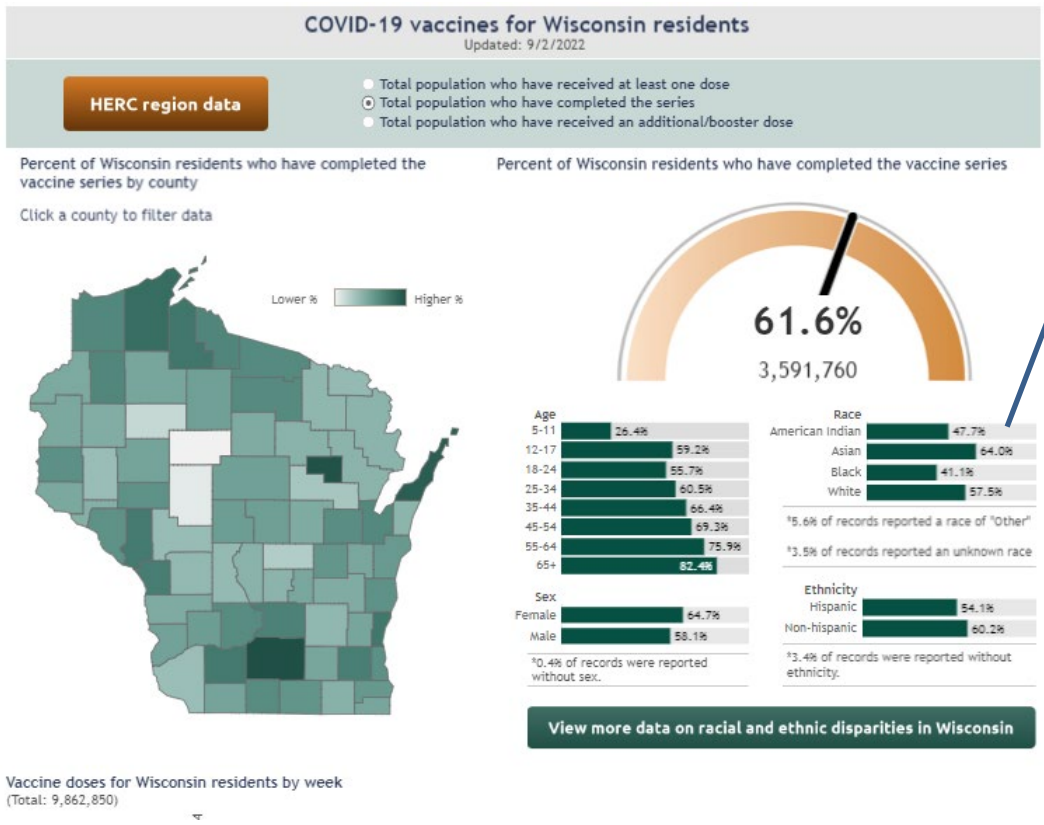
CDC COVID-19 Community Levels  
Updated: 9/2/2022



WI Department of Health Services- Public Health retrieved 09/02/2022  
<https://www.dhs.wisconsin.gov/covid-19/hosp-data.htm>

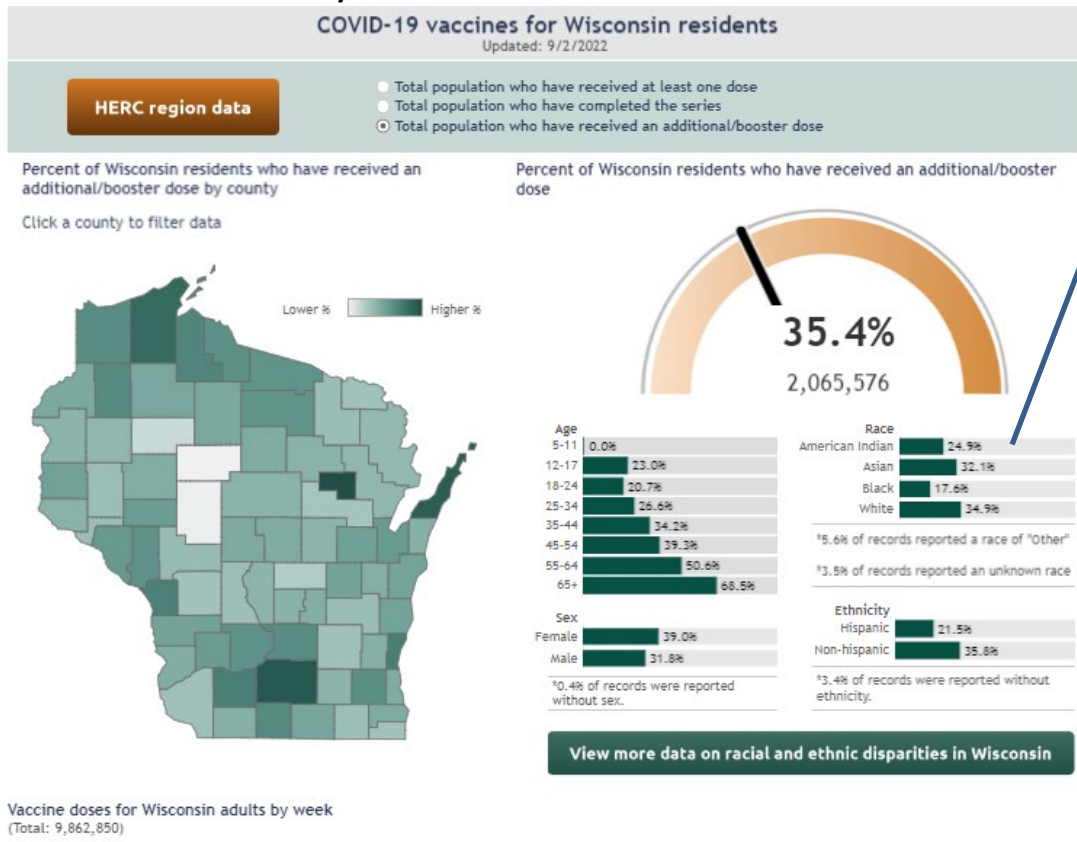
## Relevant COVID-19 Vaccination Data

### WISCONSIN- FULLY VACCINATED AGAINST COVID-19



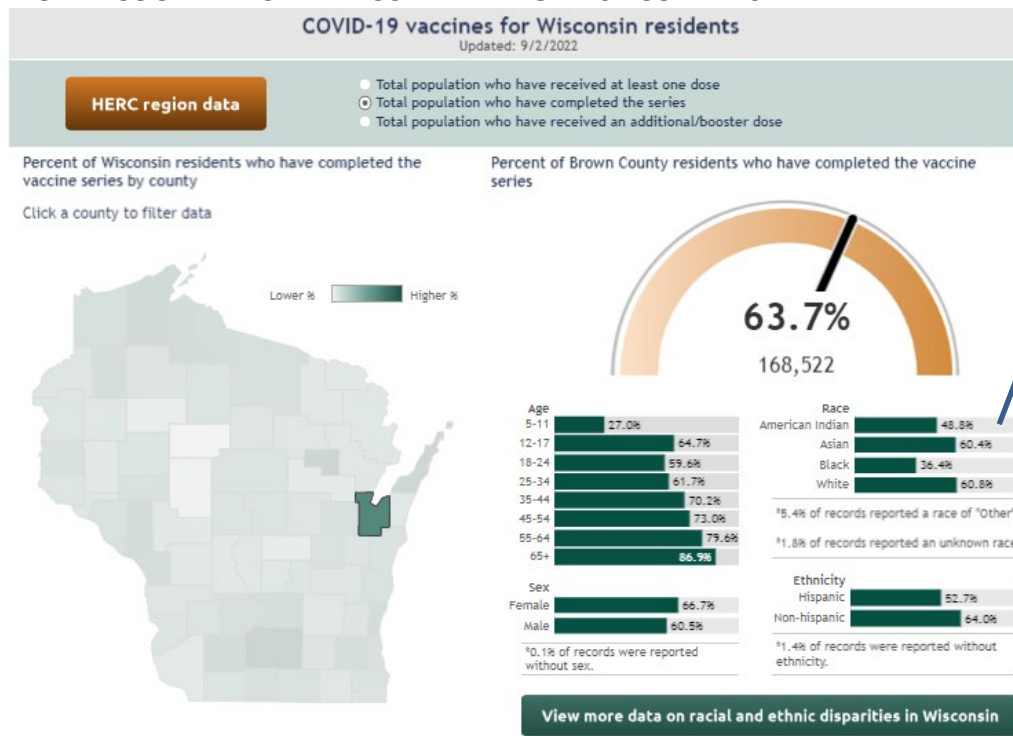
American Indian  
47.7%

### WISCONSIN- ADDITIONAL/ BOOSTER DOSE AGAINST COVID-19



American Indian  
24.9%

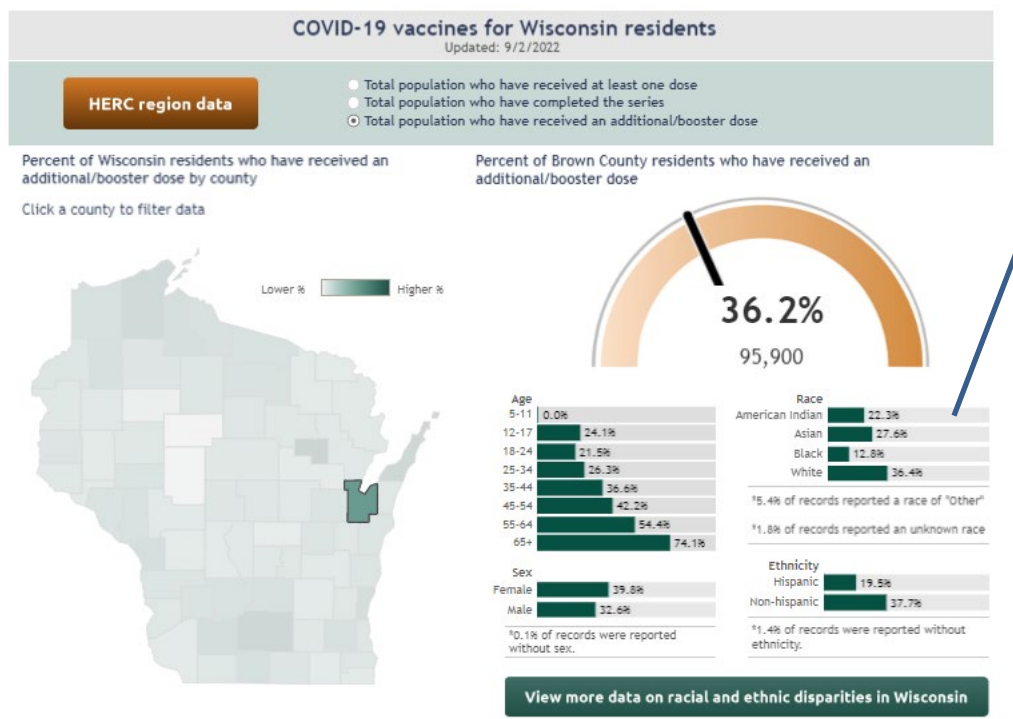
### BROWN COUNTY- FULLY VACCINATED AGAINST COVID-19



American Indian  
48.8%

Vaccine doses for Brown County residents by week  
(Total: 457,948)

### BROWN COUNTY- ADDITIONAL/ BOOSTER DOSE AGAINST COVID-19



American Indian  
22.3%

Vaccine doses for Brown County adults by week  
(Total: 457,948)

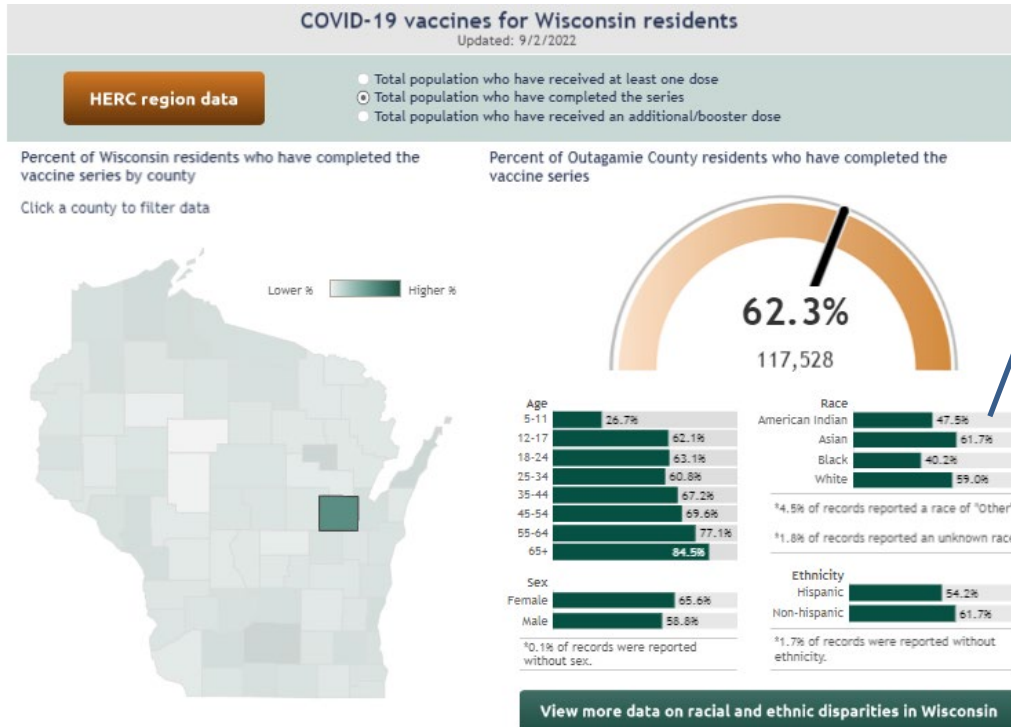
WI Department of Health Services- Public Health retrieved 09/02/2022  
<https://www.dhs.wisconsin.gov/covid-19/vaccine-data.htm>

A good mind. A good heart. A strong fire.





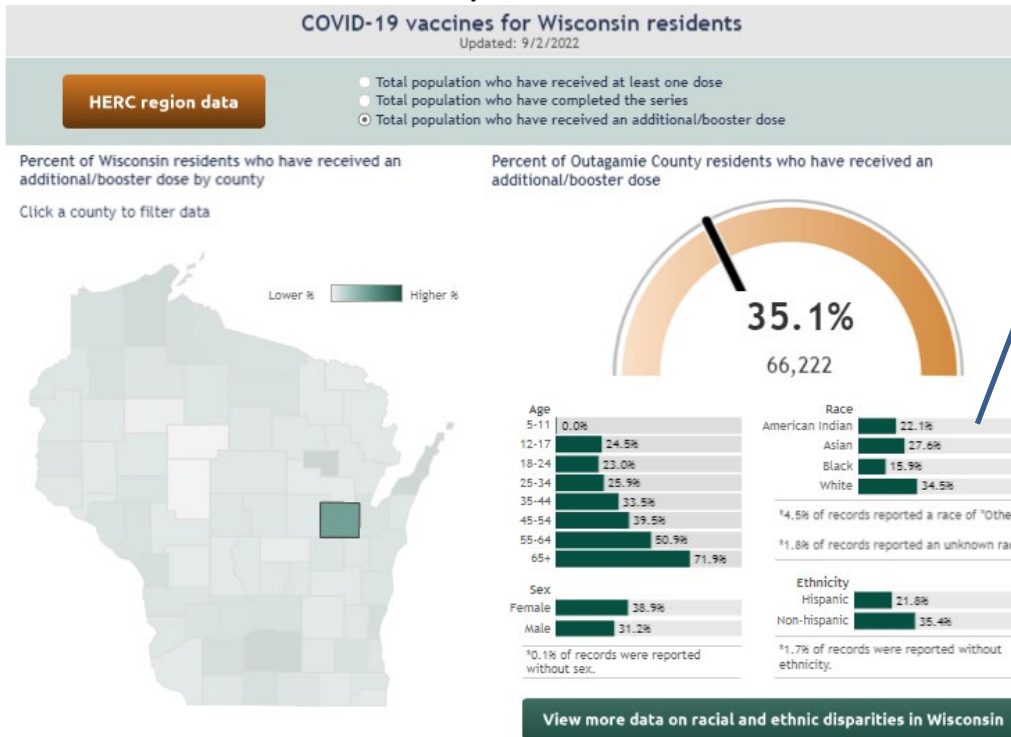
**OUTAGAMIE COUNTY- FULLY VACCINATED AGAINST COVID-19**



American Indian  
47.5%

Vaccine doses for Outagamie County residents by week  
(Total: 318,155)

**OUTAGAMIE COUNTY- ADDITIONAL/ BOOSTER DOSE AGAINST COVID-19**



American Indian  
22.1%

Vaccine doses for Outagamie County adults by week  
(Total: 318,155)

Adopt resolution entitled Continuing to Operate Fiscal Year 2023

---

## Business Committee Agenda Request

1. **Meeting Date Requested:** 09/14/22

2. **Session:**

Open     Executive – must qualify under §107.4-1.

Justification: *Choose or type justification.*

3. **Requested Motion:**

Accept as information; OR

Motion to adopt resolution titled “Continuing to Operate Fiscal Year 2023”

4. **Areas potentially impacted or affected by this request:**

Finance

Programs/Services

Law Office

MIS

Gaming/Retail

Boards, Committees, or Commissions

Other: GAO

5. **Additional attendees needed for this request:**

*Name, Title/Entity OR Choose from List*

*Name, Title/Entity OR Choose from List*

*Name, Title/Entity OR Choose from List*

*Name, Title/Entity OR Choose from List*

**6. Supporting Documents:**

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Bylaws                 | <input type="checkbox"/> Fiscal Impact Statement | <input type="checkbox"/> Presentation                   |
| <input type="checkbox"/> Contract Document(s)   | <input type="checkbox"/> Law                     | <input type="checkbox"/> Report                         |
| <input type="checkbox"/> Correspondence         | <input type="checkbox"/> Legal Review            | <input checked="" type="checkbox"/> Resolution          |
| <input type="checkbox"/> Draft GTC Notice       | <input type="checkbox"/> Minutes                 | <input type="checkbox"/> Rule (adoption packet)         |
| <input type="checkbox"/> Draft GTC Packet       | <input type="checkbox"/> MOU/MOA                 | <input checked="" type="checkbox"/> Statement of Effect |
| <input type="checkbox"/> E-poll results/back-up | <input type="checkbox"/> Petition                | <input type="checkbox"/> Travel Documents               |
| <input type="checkbox"/> Other: <i>Describe</i> |  |   |

**7. Budget Information:**

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Budgeted – Tribal Contribution | <input checked="" type="checkbox"/> Budgeted – Grant Funded |
| <input type="checkbox"/> Unbudgeted                                | <input type="checkbox"/> Not Applicable                     |
| <input type="checkbox"/> Other: <i>Describe</i>                    |   |

**8. Submission:**

Authorized Sponsor: Jo Anne House, Chief Counsel

Primary Requestor: Oneida Business Committee

# Oneida Nation

Post Office Box 365

Phone: (920)869-2214

Oneida, WI 54155



**BC Resolution # Leave this line blank  
Continuing to Operate Fiscal Year 2023**

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- WHEREAS,** the Oneida Nation is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States of America; and
  - WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation; and
  - WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1, of the Oneida Tribal Constitution by the Oneida General Tribal Council; and
  - WHEREAS,** The Oneida Business Committee adopted the Budget and Finances law, 1 O.C. 121, which sets budget process guidelines and governs the finances of the Nation; and
  - WHEREAS,** the Oneida Business Committee adopted resolution # BC-05-25-22-A, *Fiscal Year 2023 Budget Considerations and Calendar*, which included budgeting guidelines, employment cap, and a calendar; and
  - WHEREAS,** the budget calendar was compressed as a result of the receipt and implementation of the wage compensation study as well as the adoption of the Budget and Finances law which contained amended and new requirements for the budgeting process; and
  - WHEREAS,** the Oneida Business Committee approved September 28<sup>th</sup> as the tentative date for the Special General Tribal Council meeting to present and act on the budget; and
  - WHEREAS,** the draft Fiscal Year 2023 budget was presented to the Oneida Business Committee at the August 9<sup>th</sup> meeting; and
  - WHEREAS,** the Oneida Business Committee reviewed the draft Fiscal Year 2023 budget and determined that it was not ready for approval to be sent to the General Tribal Council for action; and
  - WHEREAS,** the Oneida Business Committee directed that meetings be scheduled to review the draft Fiscal Year 2023 budget and to reschedule the tentative Special General Tribal Council meeting to a date after the detailed review could be conducted; and
  - WHEREAS,** a Fiscal Year 2023 budget cannot be approved prior to October 1<sup>st</sup> and a continuing resolution will be required to be adopted;
- NOW THEREFORE BE IT RESOLVED,** in accordance with the Budget and Finances law, 1 O.C. 121.5-4(e)(1), the Oneida Business Committee adopts this continuing resolution to be effective from October 1, 2022 until December 31, 2022 or until the budget is adopted whichever is soonest.

43 **BE IT FURTHER RESOLVED**, the continuation of operations and expenditure of funds is authorized in  
44 accordance with the following directives:

- 45 • All personnel related items are approved to move forward under existing processes and procedures.  
46 All Direct Reports shall notify their organizational units the policy is to continue keeping labor costs  
47 in check through lower full-time employee levels.
- 48 • An employment cap of 2200 FTEs shall be put in place based on the weekly Human Resource  
49 Department full-time equivalent (FTE) count, "Total Number of Employees."
- 50 • The cost-of-living adjustment and the progression within grade compensation plan shall be  
51 implemented with an effective date of October 2, 2022.
- 52 • Approved compensation adjustment plans shall be implemented.
- 53 • All Fiscal Year 2023 budgeted activities should be implemented with the knowledge that the Oneida  
54 Nation continues to see and address health and safety issues arising out of the pandemic and  
55 economic issues continue to impact revenue resources. Business and program units should always  
56 keep in mind the Oneida Business Committee's adopted Broad Goals Statement when continuing,  
57 implementing and developing programs and services.
- 58 • All Capital Expenditures and Capital Improvement Projects listed in the Fiscal Year 2023 budget is  
59 restricted to those necessary to ensure the health and safety of our membership, to ensure  
60 regulatory compliance, or to protect or expand resources.

61  
62 **BE IT FINALLY RESOLVED**, the Oneida Business Committee shall, no later than December 31, 2022,  
63 determine if the Fiscal Year 2023 budget can be presented to the General Tribal Council for review and  
64 action; and, if it is not possible, shall, in accordance with 1. O.C. 121.5-4(e)(1), adopt the Fiscal Year 2023  
65 budget on behalf of the General Tribal Council.



## Statement of Effect

### *Fiscal Year 2023 Budget Considerations and Calendar*

#### *Summary*

This resolution provides the Fiscal Year 2023 budget calendar and line-item guidance for the approval of the Oneida Business Committee in accordance with section 121.5-4(a) of the Budget and Finances law.

*Submitted by: Clorissa N. Santiago, Senior Staff Attorney, Legislative Reference Office*

*Date: May 25, 2022*

#### *Analysis by the Legislative Reference Office*

The Budget and Finances law (“the Law”) sets forth the requirements to be followed by the Oneida Business Committee and the Oneida fund units when preparing the budget to be presented to the General Tribal Council for approval, and establishes financial policies and procedures for the Nation which:

- institutionalize best practices in financial management to guide decision makers in making informed decisions regarding the provision of services, implementation of business plans for enterprises, investments, and capital assets;
- provide a long term financial prospective and strategic intent, linking budget allocations to organizational goals, as well as providing fiscal controls and accountability for results and outcomes;
- identify and communicate to the membership of the Nation spending decisions for the government function, grant obligations, enterprises, membership mandates, capital expenditures, technology projects, and capital improvement projects;
- establish a framework for effective financial risk management; and
- encourage participation by the Nation’s membership. [1 O.C. 121.1-1].

The Nation shall develop, adopt, and manage an annual budget. [1 O.C. 121.5-1]. All revenues and expenditures of the Nation shall be in accordance with the annual budget. *Id.* The Nation’s budget shall be a balanced budget and not propose to spend more funds than are reasonably expected to become available to the Nation during that fiscal year. [1 O.C. 121.5-1 (a)].

The Law requires that the Treasurer develop the necessary guidelines, including specific timelines and deadlines, to be followed by the managers that have budget responsibility in preparing and submitting proposed budgets. [1 O.C. 121.5-4(a)]. The Treasurer shall identify in the budget guidelines a percentage of an increase or decrease in a fund unit’s budget from the prior year budget that is required to be noticed to the Oneida Business Committee. [1 O.C. 121.5-4(b)(1)]. The Treasurer shall submit the guidelines to the Oneida Business Committee for review and approval through the adoption of a resolution. *Id.* The budget schedule and guidelines developed by the Treasurer are required to include at least one (1) opportunity for community input from the

Nation's membership on what should be included in the upcoming fiscal year budget. [1 O.C. 121.5-4(a)(1)]. Each fund unit shall be responsible for complying with the budget schedule and guidelines to submit a proposed budget to the Treasurer. [1 O.C. 121.5-4(a)(2)]. The Oneida Business Committee is responsible for setting a deadline through the adoption of a resolution for when the Treasurer shall submit their budget guidelines to the Oneida Business Committee for review and approval. On May 11, 2022, the Oneida Business Committee adopted resolution BC-05-11-22-B, *Amendments to the Budget Management and Control Law*, which adopted amendments to the Law and also set forth various deadline and directives. Resolution BC-05-11-22-B provided that in accordance with the requirement provided in section 121.5-4(3) of the Law that the Oneida Business Committee set a deadline through the adoption of a resolution for when the Treasurer shall submit their budget guidelines to the Oneida Business Committee for review and approval, the Oneida Business Committee hereby sets a deadline of June 1, 2022.

Resolution BC-05-11-22-B also required that in accordance with section 121.9-1 of the Law, which requires that the Treasurer and Chief Financial Officer identify a maximum number of full-time equivalent (FTE) employees to be employed by the Nation, to be approved through the adoption of a resolution by the Oneida Business Committee, the Oneida Business Committee directs that the employment cap be developed and included in the Budget Schedule and Guidelines resolution to be brought before the Oneida Business Committee for consideration by June 1, 2022.

This resolution provides the Fiscal Year 2023 ("FY23") budget calendar for the approval of the Oneida Business Committee in accordance with section 121.5-4(a) of the Law. The calendar provides information on various budget development tasks that are required to be completed, the responsible parties for those responsibilities, and deadline dates. The FY23 budget calendar provides that the budget will be presented to the General Tribal Council for consideration of adoption on September 28, 2022. The Oneida Business Committee is required to present the budget to the General Tribal Council with a request for adoption by resolution no later than September 30th of each year. [1 O.C. 121.5-4(e)]. Although not noted in the budget calendar for FY23, once the Oneida Business Committee has approved the final draft budget, the Treasurer is required to hold, at a minimum, two (2) community informational meetings to present the contents of the final draft budget that will be presented to the General Tribal Council. [1 O.C. 121.5-4(d)]. The dates for the community informational meetings are not necessarily required to be provided for in the budget calendar, but it should be noted this requirement will still have to be met.

This resolution also provides line-item guidance for the development of the Fiscal Year 2023 budget including:

- The FY2023 Wage Plan will be communicated to the organization by HRD by June 13, 2022.
- The fringe rate for FY2023 will be a decrease of 3.3% from FY2022 rates. Each business unit's fringe rate will be on the payroll spreadsheet received by June 13, 2022.
- The anticipated Indirect Cost (IDC) rate for FY2023 is 20.44%.
- The Nation shall continue to adhere to the employment cap of 2,200 Full Time Equivalent (FTE's) for Fiscal Year 2023. The FY2023 Total Dollar Labor Cap Amount in Wages \$127 Million. This figure does NOT include a performance based lump sum payment.
- All 100% grant funded positions are exempt from the employment cap.

- All other External and Internal expense lines: Business Units should base all line item budgets on the average of the actual monthly expenses for the first six months of Fiscal Year 2022.
- Gaming and Retail External and Internal expense line items should be based on FY2023 business plans.

This resolution does not identify in the budget guidelines a percentage of an increase or decrease in a fund unit's budget from the prior year budget that is required to be noticed to the Oneida Business Committee. [1 O.C. 121.5-4(b)(1)].

### ***Conclusion***

Overall, adoption of this resolution complies with the requirements of the Budget and Finances law and the deadline directives provided in resolution BC-05-11-22-B, *Amendments to the Budget Management and Control Law*, except that this resolution does not identify in the budget guidelines a percentage of an increase or decrease in a fund unit's budget from the prior year budget that is required to be noticed to the Oneida Business Committee in accordance with section 121.5-4(b)(1) of the Budget and Finances law.



Adopt resolution entitled Designated Tribal Representative to the North American Indigenous Games

## Business Committee Agenda Request

1. Meeting Date Requested: 09/14/22

2. General Information:

Session:  Open  Executive – must qualify under §107.4-1.

Justification: *Choose reason for Executive.*

3. Supporting Documents:

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Bylaws                    | <input type="checkbox"/> Fiscal Impact Statement | <input type="checkbox"/> Presentation           |
| <input type="checkbox"/> Contract Document(s)      | <input type="checkbox"/> Law                     | <input type="checkbox"/> Report                 |
| <input checked="" type="checkbox"/> Correspondence | <input type="checkbox"/> Legal Review            | <input checked="" type="checkbox"/> Resolution  |
| <input type="checkbox"/> Draft GTC Notice          | <input type="checkbox"/> Minutes                 | <input type="checkbox"/> Rule (adoption packet) |
| <input type="checkbox"/> Draft GTC Packet          | <input type="checkbox"/> MOU/MOA                 | <input type="checkbox"/> Statement of Effect    |
| <input type="checkbox"/> E-poll results/back-up    | <input type="checkbox"/> Petition                | <input type="checkbox"/> Travel Documents       |
| <input type="checkbox"/> Other: <i>Describe</i>    |  |   |

4. Budget Information:

- |  |  |                                     |
|--|--|-------------------------------------|
| <input type="checkbox"/> Budgeted                  | <input type="checkbox"/> Budgeted – Grant Funded | <input type="checkbox"/> Unbudgeted |
| <input checked="" type="checkbox"/> Not Applicable | <input type="checkbox"/> Other: <i>Describe</i>  |                                     |

5. Submission:

Authorized Sponsor: Lisa Liggins, Secretary

Primary Requestor: \_\_\_\_\_

Additional Requestor: (Name, Title/Entity)

Additional Requestor: (Name, Title/Entity)

Submitted By: LLIGGINS

A good mind. A good heart. A strong fire.



## Business Committee Agenda Request – Cover Memo

**From:** Lisa Liggins, Secretary  
**Date:** 9/6/2022  
**RE:** Designated Tribal Representative to the North American Indigenous Games

---

### **PURPOSE**

BC approval is needed for the adoption of a resolution

### **BACKGROUND**

At the August 23rd Business Committee executive session discussion, the Business Committee determined that the Nation's representative to the North American Indigenous Games be designated as Rae Skenandore, Budget Analyst, and that the General Manager is directed to identify personnel to assist in managing the 2023 North American Indian Games and to prepare to directly manage this project in the future games.

The attached resolution includes these determinations; it is exempt from the Statement of Effect requirement.

### **REQUESTED ACTION**

Adopt resolution entitled Designated Tribal Representative to the North American Indigenous Games

# Oneida Nation

Post Office Box 365

Phone: (920) 869-2214

Oneida, WI 54155



**BC Resolution # \_\_\_\_\_**

**Designated Tribal Representative to the North American Indigenous Games**

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**WHEREAS,** the Oneida Nation is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States of America; and

**WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation; and

**WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1, of the Oneida Tribal Constitution by the Oneida General Tribal Council; and

**WHEREAS,** the “North American Indigenous Games is a multi-sport event and cultural celebration involving Indigenous athletes from across North America to hold a “Games for the Indigenous Peoples” of North America with the vision was to improve the quality of life for Indigenous Peoples by supporting self-determined sports and cultural activities which encourage equal access to participation in the social/cultural/spiritual fabric of the community in which they reside and which respects Indigenous distinctiveness”, see [www.naigcouncil.com](http://www.naigcouncil.com); and

**WHEREAS,** the Oneida Nation participates in the North American Indigenous Games along with native Nations within Wisconsin to allow our children opportunities to compete and to network with other indigenous peoples;

**NOW THEREFORE BE IT RESOLVED,** the Oneida Business Committee reconfirms its support and participation in the North American Indigenous Games.

**BE IT FURTHER RESOLVED,** the Oneida Business Committee appoints Rae Skenandore, Budget Analyst as the Tribal Representative.

**BE IT FINALLY RESOLVED,** the General Manager is directed to identify personnel to assist in managing the 2023 North American Indian Games and to prepare to directly manage this project in the future games.

Enter the e-poll results into the record regarding the adopted BC resolution 09-01-22-A Oneida Nation...

## Business Committee Agenda Request

1. Meeting Date Requested: 09/14/22

2. General Information:

Session:  Open  Executive – must qualify under §107.4-1.

Justification: *Choose reason for Executive.*

3. Supporting Documents:

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Bylaws                            | <input type="checkbox"/> Fiscal Impact Statement | <input type="checkbox"/> Presentation           |
| <input type="checkbox"/> Contract Document(s)              | <input type="checkbox"/> Law                     | <input type="checkbox"/> Report                 |
| <input type="checkbox"/> Correspondence                    | <input type="checkbox"/> Legal Review            | <input type="checkbox"/> Resolution             |
| <input type="checkbox"/> Draft GTC Notice                  | <input type="checkbox"/> Minutes                 | <input type="checkbox"/> Rule (adoption packet) |
| <input type="checkbox"/> Draft GTC Packet                  | <input type="checkbox"/> MOU/MOA                 | <input type="checkbox"/> Statement of Effect    |
| <input checked="" type="checkbox"/> E-poll results/back-up | <input type="checkbox"/> Petition                | <input type="checkbox"/> Travel Documents       |
| <input type="checkbox"/> Other: <i>Describe</i>            |  |   |

4. Budget Information:

- |  |  |                                     |
|--|--|-------------------------------------|
| <input type="checkbox"/> Budgeted                  | <input type="checkbox"/> Budgeted – Grant Funded | <input type="checkbox"/> Unbudgeted |
| <input checked="" type="checkbox"/> Not Applicable | <input type="checkbox"/> Other: <i>Describe</i>  |                                     |

5. Submission:

Authorized Sponsor: Lisa Liggins, Secretary

Primary Requestor: \_\_\_\_\_

Additional Requestor: (Name, Title/Entity)

Additional Requestor: (Name, Title/Entity)

Submitted By: CELLIS1

**From:** [Secretary](#)  
**To:** [Secretary](#); [Tehassi Tasi Hill](#); [Brandon L. Yellowbird-Stevens](#); [Cristina S. Danforth](#); [Lisa A. Liggins](#); [Daniel P. Guzman](#); [David P. Jordan](#); [Kirby W. Metoxen](#); [Ethel M. Summers](#); [Jennifer A. Webster](#)  
**Cc:** [Danelle A. Wilson](#); [Rhiannon R. Metoxen](#); [Kristal E. Hill](#); [BC Agenda Requests](#)  
**Subject:** E-POLL RESULTS #2: Adopt resolution entitled Oneida Nation Food Assistance Program – An Oneida General Welfare Exclusion Program  
**Date:** Friday, September 2, 2022 8:26:03 AM  
**Attachments:** [BCAR Adopt resolution entitled Oneida Nation Food Assistance Program - An Oneida General Welfare Exclusion Program.pdf](#)

---

## E-POLL RESULTS

The e-poll to adopt resolution entitled Oneida Nation Food Assistance Program – An Oneida General Welfare Exclusion Program, **has carried**. Below are the results:

Support: Marie Cornelius, David P. Jordan, Lisa Liggins, Brandon Stevens, Jennifer Webster

Oppose: Daniel Guzman King

**Aliskwet Ellis**  
Information Management Specialist  
Government Administrative Office  
O: 920.869.4408 • E: [cellis1@oneidanation.org](mailto:cellis1@oneidanation.org)  
P.O. Box 365 • Oneida, WI • 54155



A good mind. A good heart. A strong fire.

*CONFIDENTIALITY NOTICE: This message and any included attachments are intended only for the addressee. This message may contain privileged, confidential, or proprietary information. Unauthorized forwarding, printing, copying, distribution, or use of such information is strictly prohibited and may be unlawful. If you have received this message in error, please inform us promptly by reply e-mail, then delete the e-mail and destroy any printed copy.*

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**From:** Secretary <TribalSecretary@oneidanation.org>  
**Sent:** Wednesday, August 31, 2022 1:09 PM  
**To:** Secretary <TribalSecretary@oneidanation.org>; Tehassi Tasi Hill <thill7@oneidanation.org>; Brandon L. Yellowbird-Stevens <bstevens@oneidanation.org>; Cristina S. Danforth <cdanfor4@oneidanation.org>; Lisa A. Liggins <liggins@oneidanation.org>; Daniel P. Guzman <dguzman@oneidanation.org>; David P. Jordan <djordan1@oneidanation.org>; Kirby W. Metoxen <KMETOX@oneidanation.org>; Ethel M. Summers <esummer1@oneidanation.org>; Jennifer A. Webster <JWEBSTE1@oneidanation.org>  
**Cc:** Danelle A. Wilson <dwilson1@oneidanation.org>; Rhiannon R. Metoxen <rmetoxe2@oneidanation.org>; Kristal E. Hill <khill@oneidanation.org>  
**Subject:** E-POLL REQUEST #2: Adopt resolution entitled Oneida Nation Food Assistance Program – An Oneida General Welfare Exclusion Program

## E-POLL REQUEST

-

**Summary:**

**The BC adopted resolution BC-07-13-22-R, *Obligation for the Oneida Nation Food Assistance Program Utilizing Tribal Contribution Savings*, which obligated funding to and demonstrated an intent to create the Oneida Nation Food Assistance Program as an approved program of the Nation in accordance with the Oneida General Welfare law to provide an allocation of five hundred dollars (\$500) to each enrolled Oneida Nation member that is at least eighteen (18) years of age by December 31st in 2022 and 2023 for the purchase of healthy food items. In accordance with 1001.5-1.(b) of the Oneida General Welfare law, an approved program needs to be adopted by the OBC by resolution if an approved program will function for a limited term; the Oneida Nation Food Assistance Program falls under this provision.**

**Justification for E-Poll:**

**The BC was notified of the need for this resolution on Friday, August 26, 2022, and agreed by consensus that the approval of the program should be done via e-poll.**

**Requested Action:**

**Adopt resolution entitled Oneida Nation Food Assistance Program – An Oneida General Welfare Exclusion Program**

**Deadline for response:**

**Responses are due no later than 4:30 p.m., Thursday, September 1, 2022.**

**Voting:**

1. Use the voting button above, if available; OR
2. Reply with “Support” or “Oppose”.

Aliskwet Ellis

Information Management Specialist  
Government Administrative Office  
O: 920.869.4408 • E: [cellis1@oneidanation.org](mailto:cellis1@oneidanation.org)  
P.O. Box 365 • Oneida, WI • 54155



A good mind. A good heart. A strong fire.

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## Business Committee Agenda Request

1. Meeting Date Requested: 8/31/22

2. Session:

Open     Executive – must qualify under §107.4-1.

Justification: *Choose or type justification.*

3. Requested Motion:

Accept as information; OR Enter the requested motion related to this item.

Adopt BC resolution entitleOneida Nation Food Assistance Program –  
An Oneida General..

4. Areas potentially impacted or affected by this request:

Finance

Programs/Services

Law Office

MIS

Gaming/Retail

Boards, Committees, or Commissions

Other:

5. Additional attendees needed for this request:

*Name, Title/Entity OR Choose from List*

**6. Supporting Documents:**

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Bylaws                 | <input type="checkbox"/> Fiscal Impact Statement | <input type="checkbox"/> Presentation                   |
| <input type="checkbox"/> Contract Document(s)   | <input type="checkbox"/> Law                     | <input type="checkbox"/> Report                         |
| <input type="checkbox"/> Correspondence         | <input type="checkbox"/> Legal Review            | <input checked="" type="checkbox"/> Resolution          |
| <input type="checkbox"/> Draft GTC Notice       | <input type="checkbox"/> Minutes                 | <input type="checkbox"/> Rule (adoption packet)         |
| <input type="checkbox"/> Draft GTC Packet       | <input type="checkbox"/> MOU/MOA                 | <input checked="" type="checkbox"/> Statement of Effect |
| <input type="checkbox"/> E-poll results/back-up | <input type="checkbox"/> Petition                | <input type="checkbox"/> Travel Documents               |
| <input type="checkbox"/> Other:                 |  |   |

**7. Budget Information:**

- |   |  |
|---|--|
| <input type="checkbox"/> Budgeted – Tribal Contribution | <input type="checkbox"/> Budgeted – Grant Funded |
| <input type="checkbox"/> Unbudgeted                     | <input type="checkbox"/> Not Applicable          |
| <input checked="" type="checkbox"/> Other: ARPA TCS     |  |

**8. Submission:**

Authorized Sponsor: Mark W. Powless, General Manager

Primary Requestor: \_\_\_\_\_





## Statement of Effect

### *Oneida Nation Food Assistance Program – An Oneida General Welfare Exclusion Program*

#### *Summary*

This resolution establishes the *Oneida Nation Food Assistance Program* as an approved program of the Nation in accordance with the Oneida General Welfare law for the purpose of providing financial assistance to members of the Nation to aid them with the rising costs of healthy food prices to ensure that their general welfare needs can continue to be met.

*Submitted by: Clorissa N. Santiago, Senior Staff Attorney, Legislative Reference Office*

*Date: August 29, 2022*

#### *Analysis by the Legislative Reference Office*

The Oneida General Welfare law was adopted by the Oneida Business Committee through resolution BC-12-08-21-A for the purpose of governing how the Nation provides assistance to eligible members, on a non-taxable basis, through approved programs that promote the general welfare of the Nation pursuant to the principles of the General Welfare Exclusion. [10 O.C. 1001.1-1, 1001.1-2]. The Nation may provide benefits to recipients, which are excludable from the gross income of those recipients, under an approved program for the promotion of the general welfare of the Nation as long as the assistance:

- satisfies the requirements for exclusion under 26 U.S.C. §139E;
- is provided under a Safe Harbor Program listed and detailed in I.R.S. Rev. Proc. 2014-35 or subsequent Internal Revenue Service procedures or regulations; or
- meets the criteria of the General Test under the I.R.S. General Criteria of General Welfare exclusion listed in I.R.S. Rev. Proc. 2014-35, section 5.02(1). [10 O.C. 1001.4-1].

The criteria of the General Test require that any such assistance or benefit provided by the Nation:

- is paid on behalf of the Nation;
- is provided pursuant to an approved program;
- does not discriminate in favor of members of the governing body of the Nation;
- is available to any member of the Nation who meets the guidelines of the approved program;
- is provided for the promotion of general welfare;
- is not lavish or extravagant;
- is not provided for compensation for services; and
- is not a per capita payment. [10 O.C. 1001.4-2(a)-(h)].

An approved program shall be established and operated to promote the general welfare of the Nation, including programs designed to enhance the promotion of health, education, self-sufficiency, self-determination, and the maintenance of culture and tradition, entrepreneurship, and employment. [10 O.C. 1001.4-3(a)]. An approved program is required to meet all criteria of the General Test. [10 O.C. 1001.4-3(d)]. The Oneida Business Committee has the authority to create

an approved program on behalf of the Nation through the adoption of either a law or resolution. [10 O.C. 1001.5-1]. An approved program is adopted through a law if the approved program will function on a permanent basis, and if the approved program will function on a limited term, then the approved program can be adopted through a resolution. [10 O.C. 1001.5-1(a)-(b)]. The law or resolution that adopts the approved program is required to contain the following information:

- Name of the approved program;
- Purpose of the approved program;
- Eligibility rules and limitations for approved program;
- Funding source for approved program;
- How the approved program qualifies for General Welfare Exclusion; and
- Start and end date of approved program, if the approved program will operate on a limited term. [10 O.C. 1001.5-1(c)].

This resolution adopts and establishes the *Oneida Nation Food Assistance Program* as an approved program of the Nation in accordance with the Oneida General Welfare law for the purpose of providing financial assistance to members of the Nation to aid them with the rising costs of healthy food prices to ensure that their general welfare needs can continue to be met. This resolution meets the requirements for the contents of a proposed approved program as provided for in section 1001.5-1(c) of the Oneida General Welfare law by providing the following information:

- **Establishment and Purpose.** The *Oneida Nation Food Assistance Program* is established as an approved program of the Nation in accordance with the Oneida General Welfare law for the purpose of providing financial assistance to members of the Nation to aid them with the rising costs of healthy food prices to ensure that their general welfare needs can continue to be met.
- **Eligibility.** Eligibility for the *Oneida Nation Food Assistance Program* is as follows:
  - For the 2022 distribution of the *Oneida Nation Food Assistance Program*, any enrolled member of the Nation who is at least eighteen (18) years of age or older on or before December 31, 2022, shall be eligible for assistance from the *Oneida Nation Food Assistance Program*.
  - For the 2023 distribution of the *Oneida Nation Food Assistance Program*, any enrolled member of the Nation who is at least eighteen (18) years of age or older on or before December 31, 2023, shall be eligible for assistance from the *Oneida Nation Food Assistance Program*.
- **Funding Source.** The *Oneida Nation Food Assistance Program* shall be funded in accordance with resolution BC-07-13-22-R, *Obligation for the Oneida Nation Food Assistance Program Utilizing Tribal Contribution Savings*, which provides funding of fourteen million dollars (\$14,000,000) from Tribal Contribution Savings.
- **Qualifications for General Welfare Exclusion.** The *Oneida Nation Food Assistance Program* meets the requirements of the General Test as defined in the Oneida General Welfare law; General Criteria as defined in I.R.S. Rev. Proc. 2014-35, section 5; and the requirements of the Tribal General Welfare Exclusion Act of 2014, 26 U.S.C. §139E(b). The assistance provided through the *Oneida Nation Food Assistance Program* is:
  - paid on behalf of the Nation;
  - pursuant to an approved program of the Nation;
  - does not discriminate in favor of members of the governing body of the Nation;

- available to any eligible member of the Nation who meets the guidelines of the approved program;
- provided for the promotion of general welfare;
- not lavish or extravagant;
- not compensation for services; and
- not a per capita payment.
- ***Application Submission Period and Distribution of Funds.***
  - The Oneida Trust Enrollment Department is identified as the area responsible for the distribution of funds from the *Oneida Nation Food Assistance Program*, which includes responsibilities for developing an application form; oversight of the collection, review, and permitted distribution of funds; and maintenance of records.
  - Applications for the 2022 disbursement of assistance from the *Oneida Nation Food Assistance Program* shall be accepted until October 28, 2022, with the disbursement of assistance to be made on or before November 18, 2022.
  - The Oneida Business Committee shall provide application submission period and deadline dates for the 2023 disbursement of assistance from the *Oneida Nation Food Assistance Program* no later than August 1, 2023.
- ***Term of Program.*** The *Oneida Nation Food Assistance Program* shall begin no later than October 28, 2022, and end on January 1, 2024, or when the allocated funding has been fully expended.

### ***Conclusion***

Adoption of this resolution would not conflict with any of the Nation's laws.

# Oneida Nation

Post Office Box 365

Phone: (920)869-2214

Oneida, WI 54155



## BC Resolution # Leave this line blank

### Oneida Nation Food Assistance Program – An Oneida General Welfare Exclusion Program

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**WHEREAS,** the Oneida Nation is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States of America; and

**WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation; and

**WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1, of the Oneida Tribal Constitution by the Oneida General Tribal Council; and

**WHEREAS,** the Oneida General Welfare law was adopted by the Oneida Business Committee through resolution BC-12-08-21-A for the purpose of governing how the Nation provides assistance to eligible members, on a non-taxable basis, through approved programs that promote the general welfare of the Nation pursuant to the principles of the General Welfare Exclusion; and

**WHEREAS,** the Oneida Business Committee has determined it would be beneficial for the general welfare of the Nation’s membership to create an approved program under the Oneida General Welfare law to provide financial assistance to members of the Nation to aid them with the rising costs of healthy food; and

**WHEREAS,** the Oneida Business Committee adopted resolution BC-07-13-22-R, *Obligation for the Oneida Nation Food Assistance Program Utilizing Tribal Contribution Savings*, which obligated funding to and demonstrated an intent to create the *Oneida Nation Food Assistance Program* as an approved program of the Nation in accordance with the Oneida General Welfare law to provide an allocation of five hundred dollars (\$500) to each enrolled Oneida Nation member that is at least eighteen (18) years of age by December 31<sup>st</sup> in 2022 and 2023 for the purchase of healthy food items; and

#### *Establishment and Purpose*

**NOW THEREFORE BE IT RESOLVED,** the Oneida Business Committee hereby adopts and establishes the *Oneida Nation Food Assistance Program* as an approved program of the Nation in accordance with the Oneida General Welfare law.

**BE IT FUTHER RESOLVED,** the purpose of the *Oneida Nation Food Assistance Program* is to provide financial assistance to members of the Nation to aid them with the rising costs of healthy food prices to ensure that their general welfare needs can continue to be met.

#### *Eligibility for Assistance*

**BE IT FUTHER RESOLVED,** for the 2022 distribution of the *Oneida Nation Food Assistance Program*, any enrolled member of the Nation who is at least eighteen (18) years of age or older on or before December 31, 2022, shall be eligible for assistance from the *Oneida Nation Food Assistance Program*.

BC Resolution # \_\_\_\_\_

Oneida Nation Food Assistance Program – An Oneida General Welfare Exclusion Program  
Page 2 of 2

44 BE IT FUTHER RESOLVED, for the 2023 distribution of the *Oneida Nation Food Assistance Program*, any  
45 enrolled member of the Nation who is at least eighteen (18) years of age or older on or before December  
46 31, 2023, shall be eligible for assistance from the *Oneida Nation Food Assistance Program*.

47  
48 *Funding Source*

49 **BE IT FUTHER RESOLVED**, in accordance with resolution BC-07-13-22-R, *Obligation for the Oneida*  
50 *Nation Food Assistance Program Utilizing Tribal Contribution Savings*, the *Oneida Nation Food Assistance*  
51 *Program* shall be funded in the amount of fourteen million dollars (\$14,000,000) from Tribal Contribution  
52 Savings, (thirteen million one hundred and ninety-five thousand and two hundred and ninety one dollars  
53 (\$13,195,291) from Direct Membership Assistance and eight hundred and four thousand seven hundred  
54 and nine dollars (\$804,709) from Food and Agriculture).

55  
56 *Qualifications for General Welfare Exclusion*

57 **BE IT FUTHER RESOLVED**, the *Oneida Nation Food Assistance Program* meets the requirements of the  
58 General Test as defined in the Oneida General Welfare law; General Criteria as defined in I.R.S. Rev. Proc.  
59 2014-35, section 5; and the requirements of the Tribal General Welfare Exclusion Act of 2014, 26 U.S.C.  
60 §139E(b). The assistance provided through the *Oneida Nation Food Assistance Program* is:

- 61     ▪ paid on behalf of the Nation;
- 62     ▪ pursuant to an approved program of the Nation;
- 63     ▪ does not discriminate in favor of members of the governing body of the Nation;
- 64     ▪ available to any eligible member of the Nation who meets the guidelines of the approved program;
- 65     ▪ provided for the promotion of general welfare;
- 66     ▪ not lavish or extravagant;
- 67     ▪ not compensation for services; and
- 68     ▪ not a per capita payment.

69  
70 *Application Submission Period and Distribution of Funds*

71 **BE IT FUTHER RESOLVED**, the Oneida Trust Enrollment Department shall make available an application  
72 form for the *Oneida Nation Food Assistance Program*.

73  
74 **BE IT FUTHER RESOLVED**, applications for the 2022 disbursement of assistance from the *Oneida Nation*  
75 *Food Assistance Program* shall be accepted until October 28, 2022, with the disbursement of assistance  
76 to be made on or before November 18, 2022.

77  
78 **BE IT FUTHER RESOLVED**, the Oneida Business Committee shall provide application submission period  
79 and deadline dates for the 2023 disbursement of assistance from the *Oneida Nation Food Assistance*  
80 *Program* no later than August 1, 2023.

81  
82 **BE IT FUTHER RESOLVED**, that the Oneida Trust Enrollment Department shall oversee the collection,  
83 review, and permitted distribution of funds from the *Oneida Nation Food Assistance Program* to the  
84 qualifying recipients.

85  
86 *Maintenance of Records*

87 **BE IT FUTHER RESOLVED**, that the Oneida Trust Enrollment Department shall be responsible for  
88 maintenance of records for the *Oneida Nation Food Assistance Program*. The recipient shall retain receipts  
89 for the expenditure of the funds associated with the *Oneida Nation Food Assistance Program*.

90  
91 *Term of Program*

92 **BE IT FINALLY RESOLVED**, that the *Oneida Nation Food Assistance Program* shall begin no later than  
93 October 28, 2022, and end on January 1, 2024, or when the allocated funding has been fully expended.  
94

Determine next steps regarding one vacancy - Oneida Police Commission

---

## Business Committee Agenda Request

**1. Meeting Date Requested:** 09/14/22

**2. General Information:**

Session:  Open  Executive – must qualify under §107.4-1.  
Justification: *Choose reason for Executive.*

**3. Supporting Documents:**

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Bylaws                    | <input type="checkbox"/> Fiscal Impact Statement | <input type="checkbox"/> Presentation           |
| <input type="checkbox"/> Contract Document(s)      | <input type="checkbox"/> Law                     | <input type="checkbox"/> Report                 |
| <input checked="" type="checkbox"/> Correspondence | <input type="checkbox"/> Legal Review            | <input type="checkbox"/> Resolution             |
| <input type="checkbox"/> Draft GTC Notice          | <input type="checkbox"/> Minutes                 | <input type="checkbox"/> Rule (adoption packet) |
| <input type="checkbox"/> Draft GTC Packet          | <input type="checkbox"/> MOU/MOA                 | <input type="checkbox"/> Statement of Effect    |
| <input type="checkbox"/> E-poll results/back-up    | <input type="checkbox"/> Petition                | <input type="checkbox"/> Travel Documents       |
| <input type="checkbox"/> Other: <i>Describe</i>    |  |   |

**4. Budget Information:**

- |  |  |                                     |
|--|--|-------------------------------------|
| <input type="checkbox"/> Budgeted                  | <input type="checkbox"/> Budgeted – Grant Funded | <input type="checkbox"/> Unbudgeted |
| <input checked="" type="checkbox"/> Not Applicable | <input type="checkbox"/> Other: <i>Describe</i>  |                                     |

**5. Submission:**

Authorized Sponsor: Lisa Liggins, Secretary

Primary Requestor: Shannon Davis, Recording Clerk

Additional Requestor: (Name, Title/Entity)


Additional Requestor: (Name, Title/Entity)

Submitted By: SDAVIS



## Memorandum

TO: Oneida Business Committee

FROM: Brooke Doxtator, BCC Supervisor 

DATE: August 31, 2022

RE: Appointment(s) – Oneida Police Commission

---

### Background

One (1) vacancy was posted for the Oneida Police Commission. The vacancy is for the term ending July 31, 2027.

The vacancies have been posted since June 1, 2022. The latest application deadline was August 5, 2022, and one (1) application(s) was received for the following applicant(s):

- Dan Skenandore

### Select action(s) provided below:

- 1) accept the selected the applicant(s) and appoint to a term ending July 31, 2027, OR
- 2) reject the selected applicant(s) and oppose the vote\*\*, OR
- 3) request the Secretary to re-notice the vacancy(ies)

Accept the August 3, 2022, regular Legislative Operating Committee meeting minutes

---

## Business Committee Agenda Request

1. Meeting Date Requested: 09/14/22

2. Session:

Open     Executive – must qualify under §107.4-1.

Justification: *Choose or type justification.*

3. Requested Motion:

Accept as information; OR

Accept the August 3, 2022 Legislative Operating Committee meeting minutes

4. Areas potentially impacted or affected by this request:

Finance

Programs/Services

Law Office

MIS

Gaming/Retail

Boards, Committees, or Commissions

Other: Legislative Operating

Committee

5. Additional attendees needed for this request:

*Name, Title/Entity OR Choose from List*

*Name, Title/Entity OR Choose from List*

*Name, Title/Entity OR Choose from List*

*Name, Title/Entity OR Choose from List*



**6. Supporting Documents:**

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Bylaws                 | <input type="checkbox"/> Fiscal Impact Statement | <input type="checkbox"/> Presentation           |
| <input type="checkbox"/> Contract Document(s)   | <input type="checkbox"/> Law                     | <input type="checkbox"/> Report                 |
| <input type="checkbox"/> Correspondence         | <input type="checkbox"/> Legal Review            | <input type="checkbox"/> Resolution             |
| <input type="checkbox"/> Draft GTC Notice       | <input checked="" type="checkbox"/> Minutes      | <input type="checkbox"/> Rule (adoption packet) |
| <input type="checkbox"/> Draft GTC Packet       | <input type="checkbox"/> MOU/MOA                 | <input type="checkbox"/> Statement of Effect    |
| <input type="checkbox"/> E-poll results/back-up | <input type="checkbox"/> Petition                | <input type="checkbox"/> Travel Documents       |
| <input type="checkbox"/> Other: <i>Describe</i> |  |   |

**7. Budget Information:**

- |   |  |
|---|--|
| <input type="checkbox"/> Budgeted – Tribal Contribution | <input type="checkbox"/> Budgeted – Grant Funded   |
| <input type="checkbox"/> Unbudgeted                     | <input checked="" type="checkbox"/> Not Applicable |
| <input type="checkbox"/> Other: <i>Describe</i>         |  |

**8. Submission:**

Authorized Sponsor: David P. Jordan, Councilman

Primary Requestor: Clorissa N. Santiago, LRO Senior Staff Attorney



**LEGISLATIVE OPERATING COMMITTEE MEETING MINUTES**  
 Oneida Business Committee Conference Room-2<sup>nd</sup> Floor Norbert Hill Center  
 August 3, 2022  
 9:00 a.m.

**Present:** David P. Jordan, Kirby Metoxen, Marie Summers, Daniel Guzman King (Microsoft Teams)

**Excused:** Jennifer Webster

**Others Present:** Clorissa N. Santiago, Grace Elliot, Carolyn Salutz, Brooke Doxtator, Lawrence Barton, Justin Nishimoto (Microsoft Teams), Joy Salzwedel (Microsoft Teams), Rhiannon Metoxen (Microsoft Teams), Rae Skenandore (Microsoft Teams), Kaylynn Gresham (Microsoft Teams), Barbara Webster (Microsoft Teams), Michelle Myers (Microsoft Teams), Kristal Hill (Microsoft Teams),

**I. Call to Order and Approval of the Agenda**

David P. Jordan called the August 3, 2022, Legislative Operating Committee meeting to order at 9:00 a.m.

Motion by Marie Summers to adopt the agenda as is; seconded by Kirby Metoxen. Motion carried unanimously.

**II. Minutes to be Approved**

**1. July 20, 2022 LOC Meeting Minutes**

Motion by Marie Summers to approve the July 20, 2022, LOC meeting minutes and forward to the Business Committee for consideration; seconded by Kirby Metoxen. Motion carried unanimously.

**III. Current Business**

**1. Oneida Nation Assistance Fund Law**

Motion by Marie Summers to approve the public meeting packet, with updated public meeting notice, and forward the Oneida Nation Assistance Fund law to a public meeting to be held on September 2, 2022; seconded by Kirby Metoxen. Motion carried unanimously.

**IV. New Submissions**

**V. Additions**



**VI. Administrative Items****1. Legislative Operating Committee LOC FY22 Third Quarter Report**

Motion by Marie Summers to approve the LOC FY22 Third Quarter Report and forward to the Oneida Business Committee; seconded by Kirby Metoxen. Motion carried unanimously.

**2. E-Poll Results: Emergency Amendments to the Oneida General Tribal Council Ten Day Notice Policy**

Motion by Marie Summers to Enter into the record the results of the July 25, 2022, failed e-poll entitled, Emergency Amendments to the Oneida General Tribal Council Ten Day Notice Policy; seconded by Kirby Metoxen. Motion carried unanimously.

**VII. Executive Session****VIII. Adjourn**

Motion by Marie Summers to adjourn at 9:11 a.m.; seconded by Kirby Metoxen. Motion carried unanimously.

Adopt resolution entitled Obligation for 200 Year Commemoration Events & Projects Utilizing Tribal...

## Business Committee Agenda Request

1. **Meeting Date Requested:** 9/14/22

2. **Session:**

Open     Executive – must qualify under §107.4-1.

Justification: *Choose or type justification.*

3. **Requested Motion:**

Accept as information; OR Enter the requested motion related to this item.

Motion to obligate \$250,000 of TCSF for BC resolution: 200 Yr Event additional funds

4. **Areas potentially impacted or affected by this request:**

Finance

Programs/Services

Law Office

MIS

Gaming/Retail

Boards, Committees, or Commissions

Other: TCSF

5. **Additional attendees needed for this request:**

*Name, Title/Entity OR Choose from List*

**6. Supporting Documents:**

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Bylaws                                  | <input type="checkbox"/> Fiscal Impact Statement | <input type="checkbox"/> Presentation           |
| <input type="checkbox"/> Contract Document(s)                    | <input type="checkbox"/> Law                     | <input type="checkbox"/> Report                 |
| <input type="checkbox"/> Correspondence                          | <input type="checkbox"/> Legal Review            | <input checked="" type="checkbox"/> Resolution  |
| <input type="checkbox"/> Draft GTC Notice                        | <input type="checkbox"/> Minutes                 | <input type="checkbox"/> Rule (adoption packet) |
| <input type="checkbox"/> Draft GTC Packet                        | <input type="checkbox"/> MOU/MOA                 | <input type="checkbox"/> Statement of Effect    |
| <input type="checkbox"/> E-poll results/back-up                  | <input type="checkbox"/> Petition                | <input type="checkbox"/> Travel Documents       |
| <input checked="" type="checkbox"/> Other: 200 Year Event Budget |  |   |

**7. Budget Information:**

- |   |  |
|---|--|
| <input type="checkbox"/> Budgeted – Tribal Contribution | <input type="checkbox"/> Budgeted – Grant Funded |
| <input type="checkbox"/> Unbudgeted                     | <input type="checkbox"/> Not Applicable          |
| <input type="checkbox"/> Other:                         |  |

**8. Submission:**

Authorized Sponsor: \_\_\_\_\_

Primary Requestor: Michelle Danforth Anderson, Marketing & Tourism Director

# Oneida Nation

Post Office Box 365

Phone: (920)869-2214

Oneida, WI 54155



## BC Resolution # Leave this line blank

### Obligation for 200 Year Commemoration Events & Projects Utilizing Tribal Contribution Savings

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**WHEREAS,** the Oneida Nation is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States of America; and

**WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation; and

**WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1, of the Oneida Tribal Constitution by the Oneida General Tribal Council; and

**WHEREAS,** the Oneida Nation has received Fiscal Recovery Funds (*FRF*) through the American Rescue Plan Act of 2021 (*ARPA*) funds to address matters arising out of the COVID-19 pandemic; and

**WHEREAS,** the Oneida Business Committee has approved application of ARPA FRF through the revenue loss formula set forth in 31 CFR 35.6(d)(2) which applied these federal funds throughout the Nation’s budget to governmental programs business units beginning with 4272035 and

**WHEREAS,** the savings from the application of these funds has resulted in tribal funds being placed in the line “Tribal Contribution Savings” in the Investment Report presented in the Treasurer’s Report; and

**WHEREAS,** the Oneida Business Committee has determined that Tribal Contribution Savings funds should be used as set out in resolution # BC-06-09-21-B, as amended by resolution # BC-06-23-21-C which designates percentage allocations to eight categories (*percentages rounded*) –

- Direct Membership Assistance, 45% of funds;
- Housing, 17% of funds;
- Food and Agriculture, 12% of funds;
- Education, 6% of funds;
- Culture and Language, 10% of funds;
- Revenue Generations, 2% of funds;
- Government Roles and Responsibilities, 3% of funds;
- Overall Priority – Land, Infrastructure, Sovereignty, 5% of funds; and

**WHEREAS,** the 200 Year Commemoration Events & Projects will provide additional monies above the current \$200,000 set aside for the community events and projects listed in the attached budget.

**WHEREAS,** the Project Owner for the proposed project is requesting \$250,000 obligated from the Tribal Contribution Savings, Government Roles and Responsibilities.

BC Resolution # \_\_\_\_\_

**Obligation for 200 Year Commemoration Events & Projects Utilizing Tribal Contribution Savings**  
Page 2 of 2

44 **WHEREAS,** this project will be concluded by September 30, 2023 and

45

46 **WHEREAS,** the Oneida Business Committee has reviewed the proposed project; and

47

48 **NOW THEREFORE BE IT RESOLVED,** that the Oneida Business Committee approves the obligation of  
49 funds for the 200 Year Commemoration Event & Projects in the amount of \$250,000 from Tribal Contribution  
50 Savings, Government Roles and Responsibilities with Michelle Danforth-Anderson, Marketing & Tourism  
51 Director assigned as the Project Owner.



## 2023 Event Budget for Bicentennial

\*Note increased for inflation estimate

	Estimated	Actual
Total Event Expense Estimate	450,000.00	0.00
Less Funding Set Aside	-200,000.00	0.00
<b>TCS FUNDING REQUEST</b>	<b>250,000.00</b>	

	Estimated	Actual
Radisson Room Rental (Full Day/Night)		
3 Clans Room fee	12,000.00	0.00
G.C. Room Fee (Vendor's Room- up to 25)	2,250.00	0.00
Signage	1,000.00	0.00
Audio Visual Equipment	1,500.00	0.00
Misc Supplies	500.00	0.00
Total	17,250.00	0.00
Radisson Breakfast Day 1 - Delegates/Elders/Opening		
Food (\$25/person x 500 people)	12,500.00	0.00
Oneida Smoke Dancers	3,500.00	0.00
Native Celebrity	3,000.00	0.00
Menominee Singers	3,000.00	0.00
Indian Community School Singers	3,000.00	0.00
Speakers	1,000.00	0.00
Speaker Gifts	600.00	0.00
Signage	300.00	0.00
Giveaway Items	5,000.00	0.00
Native Delegation Travel	1,000.00	0.00
Total	32,900.00	0.00
Breakfast Day 2 (History Conference 8-4pm)		
Food (Radisson \$25/person x 250=\$6250) (charge \$10/person= \$2500) (\$6250-2500=\$3750)	3,750.00	0.00
Speakers (3 speakers @ \$1500 each)	4,500.00	0.00
Speaker Gifts	600.00	0.00
Travel for each speaker @ \$1500 est each	4,500.00	0.00



Replica Treaties & Other artifacts	5,000.00	0.00
Slideshow	1,000.00	0.00
Wi Historical Society - Hotel Rooms	300.00	0.00
Total	19,650.00	0.00
Breakfast Day 3 (History Conference Day 2)	Estimated	Actual
Food (Radisson \$25/person x 250=\$6250) (charge \$10/person= \$2500) (\$6250-2500=\$3750)	3,750.00	0.00
Speakers (3 speakers @ \$1500 each)	4,500.00	0.00
Speaker Gifts	600.00	0.00
Slideshow	1,000.00	0.00
Travel for each speaker @ \$1500 est each	4,500.00	0.00
Total	14,350.00	0.00
Breakfast Day 4 (Cultural)	Estimated	Actual
Food (Radisson \$25/person x 400=\$10,000) (charge \$10/person=\$10x400=\$4,000) (\$10,000-\$4,000= \$6,000)	6,000.00	0.00
Speakers (3 speakers @ \$1000 each)	3,000.00	0.00
Speaker Gift	600.00	0.00
Slideshow	1,000.00	0.00
Travel for each speaker @ \$1500 est each	4,500.00	0.00
Total	15,100.00	0.00
Theatre Night	Estimated	Actual
Performance fee TBD	25,000.00	0.00
Signage & Supplies	1,000.00	0.00
Lights & Sound	4,000.00	0.00
	0.00	0.00
Total	30,000.00	0.00
A.C.C.P (Amelia Cornelius Culture Park)	Estimated	Actual
Tents	3,000.00	0.00
Dumpster	300.00	0.00
Generators	300.00	0.00
Porta Potties	1,500.00	0.00
Shuttles- loop around	1,000.00	0.00
Signage	3,000.00	0.00
Golf Carts	2,000.00	0.00
Security	2,000.00	0.00
Tables	400.00	0.00
Chairs	400.00	0.00
Total	13,900.00	0.00
Cultural Activity 1 (Baskets) ARTs	Estimated	Actual

Workshop Teachers	3,000.00	0.00
Materials	3,500.00	0.00
Signage	300.00	0.00
tool kits (50 for workshop + 30 for sale at booth)	2,400.00	0.00
	0.00	0.00
Total	9,200.00	0.00
Cultural Activity 2 (Beadwork) ARTs	Estimated	Actual
Workshop Teachers	2,000.00	0.00
Materials	1,500.00	0.00
Signage	300.00	0.00
	0.00	0.00
	0.00	0.00
Total	3,800.00	0.00
Cultural Activity 3 (Pottery) ARTs		
Workshop Teachers	2,000.00	0.00
Materials	3,000.00	0.00
Signage	300.00	0.00
	0.00	0.00
	0.00	0.00
Total	5,300.00	0.00
Cultural Lesson 1 Cultural Heritage	Estimated	Actual
Speaker	1,000.00	0.00
Speaker Gift	200.00	0.00
Signage	300.00	0.00
Speaker mileage fee	1,000.00	0.00
Speaker hotel fee	600.00	0.00
Speaker food per diem fee	360.00	0.00
Total	3,460.00	0.00
Cultural Lesson 2 Cultural Heritage	Estimated	Actual
Speaker	1,000.00	0.00
Speaker Gift	200.00	0.00
Signage	300.00	0.00
Speaker mileage fee	1,000.00	0.00
Speaker hotel fee	600.00	0.00
Speaker food per diem fee	360.00	0.00
Total	3,460.00	0.00
Cultural Lesson 3 Cultural Heritage	Estimated	Actual
Speaker	1,000.00	0.00
Speaker Gift	200.00	0.00
Signage	300.00	0.00
Speaker mileage fee	1,250.00	0.00
Speaker hotel fee	600.00	0.00
Speaker food per diem fee	360.00	0.00
Total	3,710.00	0.00
Cannery Workshops (During Week)	Estimated	Actual

Teachers Jodi	2,000.00	0.00
Supplies	2,000.00	0.00
Signage	300.00	0.00
Total	4,300.00	0.00
Athletic Events      Fitness / Adventures	Estimated	Actual
Special Events Shirts	5,500.00	0.00
Water	150.00	0.00
Granola Snacks	500.00	0.00
12 life jackets	1,200.00	0.00
Nurse	1,000.00	0.00
Event Signage	300.00	0.00
Total	8,650.00	0.00
Saturday Big Celebration      Sub-Committee	Estimated	Actual
Event Assistance before & during the event	15,000.00	0.00
Green Bay Exposition Service (Tents, Tables & Chairs)	5,000.00	0.00
Purchase Picnic Tables (accessible wheel chair 10 @ 600 ea)	6,000.00	0.00
Dumpster	750.00	0.00
Jim's Golf Carts	3,000.00	0.00
Vanden Plas Sanitation	2,500.00	0.00
Sound System PM Productions	2,500.00	0.00
Lighthouse Producations (Stage & Lights)	7,000.00	0.00
Security	2,500.00	0.00
Nurse	1,000.00	0.00
MC	500.00	0.00
Comedy Show	4,000.00	0.00
Music	7,000.00	0.00
Smoke Dance Performance	2,500.00	0.00
BC Dunk Tank	1,000.00	0.00
Fireworks	20,000.00	0.00
Petting Zoo	2,000.00	0.00
Kids Zone/ Bounce Houses	3,000.00	0.00
Arts & Crafts	500.00	0.00
Face Painting	500.00	0.00
Basket Guild	1,000.00	0.00
WIA Mini Art Show	2,500.00	0.00
Photo Booth	1,500.00	0.00
Rez Rides Car Show	1,500.00	0.00
Misc Supplies	2,000.00	0.00
Signage	3,000.00	0.00
Total	82,750.00	0.00
Lacrosse Camp/Iroquois Nationals	Estimated	Actual
Player Fees (3 players- \$2,000 each player)	6,000.00	0.00
Equipment for kids who might not have any	4,000.00	0.00
Hotel cost for players (\$96 x 3 players x 3 days)	864.00	0.00
Per diem food cost for players (\$59x3 players x 3 days)	531.00	0.00
Mileage cost (using 1600 miles round trip as a base guess)	2,700.00	0.00
Signage	300.00	0.00

Nurse	1,000.00	0.00
Total	15,395.00	0.00
<b>Baseball Tournament</b>	<b>Estimated</b>	<b>Actual</b>
Field usage fees (fees might be waived by Oneida Rec)	4,000.00	0.00
Prize Money (3K, 2K, 1K, 1K)	7,000.00	0.00
refs/umpire fees (\$80 per game x 3 game total)	480.00	0.00
2 dozen MSBL baseballs	150.00	0.00
Winners Trophy	700.00	0.00
porta potties	500.00	0.00
Nurse	1,000.00	0.00
Total	13,830.00	0.00
Special Benches for walking trails ARTs	10,000.00	
<b>Marketing</b>	<b>Estimated</b>	<b>Actual</b>
Advertising	15,000.00	0.00
Event Swag	25,000.00	0.00
Event Collateral Printing/ Posters	10,000.00	0.00
Contingency - Signage /Geneology Panels	7,000.00	0.00
Total	57,000.00	0.00
<b>Dawn Dark Mountain Blanket</b>	<b>Estimated</b>	<b>Actual</b>
Blanket Cost - Required to purchase 350 blankets	61,000.00	0.00
Custom design fee/ artists rights	10,000.00	0.00
Total	71,000.00	0.00
*Portion of blankets could be sold prior to event to reduce the cost		
<b>Gifts HoChunk &amp; Menominee Nations - September 23, 2022 to open up the year long commemeration</b>		
Buffalo Meat for each reservation food pantry (rough est)	10,000.00	0.00
Buffalo Hide (process - rough est.)	2,000.00	0.00
Oneida White Corn ----Dehydrated packs	2,500.00	0.00
Total	14,500.00	
Misc Contingency	10,495.00	

Finance Committee follow-ups

## Business Committee Agenda Request

**1. Meeting Date Requested:** 09/14/22

**2. General Information:**

Session:  Open  Executive – must qualify under §107.4-1.  
Justification: *Choose reason for Executive.*

**3. Supporting Documents:**

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Bylaws                    | <input type="checkbox"/> Fiscal Impact Statement | <input type="checkbox"/> Presentation           |
| <input type="checkbox"/> Contract Document(s)      | <input type="checkbox"/> Law                     | <input type="checkbox"/> Report                 |
| <input checked="" type="checkbox"/> Correspondence | <input type="checkbox"/> Legal Review            | <input type="checkbox"/> Resolution             |
| <input type="checkbox"/> Draft GTC Notice          | <input type="checkbox"/> Minutes                 | <input type="checkbox"/> Rule (adoption packet) |
| <input type="checkbox"/> Draft GTC Packet          | <input type="checkbox"/> MOU/MOA                 | <input type="checkbox"/> Statement of Effect    |
| <input type="checkbox"/> E-poll results/back-up    | <input type="checkbox"/> Petition                | <input type="checkbox"/> Travel Documents       |
| <input type="checkbox"/> Other: <i>Describe</i>    |  |   |

**4. Budget Information:**

- |   |  |                                     |
|---|--|-------------------------------------|
| <input type="checkbox"/> Budgeted       | <input type="checkbox"/> Budgeted – Grant Funded | <input type="checkbox"/> Unbudgeted |
| <input type="checkbox"/> Not Applicable | <input type="checkbox"/> Other: <i>Describe</i>  |                                     |

**5. Submission:**

Authorized Sponsor: Lisa Liggins, Secretary

Primary Requestor: \_\_\_\_\_

Additional Requestor: (Name, Title/Entity)

Additional Requestor: (Name, Title/Entity)

Submitted By: CELLIS1



## Business Committee Agenda Request – Cover Memo

**From:** Aliskwet Ellis, Information Management Specialist

**Date:** 9/9/2022

**RE:** Finance Committee Follow-ups

---

### **PURPOSE**

The purpose of this correspondence is to inform the Business Committee that the Information Management Specialist has not received any documentation by the deadline given regarding the action taken on March 23, 2022.

### **BACKGROUND**

On March 23, 2022 the Business Committee has taken the following action: Motion by Jennifer Webster to approve the three (3) recommended corrective actions in the memorandum from Secretary Lisa Liggins dated March 13, 2022 [to retro-actively approve the September 4, 2019, memo from the Treasurer King and Larry Barton, CFO, changing the approval of the Finance Committee minutes to acceptance of the minutes and to retro-actively approve the determination of Treasurer King and Larry Barton, CFO, that the Purchasing Policies and Procedures require only approval of the Finance Committee without further action by the Oneida Business Committee; to direct the Finance Committee to submit the bylaws to the Legislative Operating Committee to comply with the Boards, Committees, and Commissions law and properly incorporate the requested amendments and direct that the final bylaws amendments be presented to the Business Committee within six (6) months; and to authorize the Purchasing Manager to serve on the Finance Committee retro-actively to October 7, 2011], seconded by Lisa Liggins. Motion carried.

### **REQUESTED ACTION**

Determine next steps regarding the Finance Committee bylaws.

## Land Acquisitions Naming report

**Business Committee Agenda Request**

1. **Meeting Date Requested:** 09/14/22

2. **General Information:**

Session:  Open  Executive – must qualify under §107.4-1.  
Justification: *Choose reason for Executive.*

3. **Supporting Documents:**

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Bylaws                    | <input type="checkbox"/> Fiscal Impact Statement | <input type="checkbox"/> Presentation           |
| <input type="checkbox"/> Contract Document(s)      | <input type="checkbox"/> Law                     | <input type="checkbox"/> Report                 |
| <input checked="" type="checkbox"/> Correspondence | <input type="checkbox"/> Legal Review            | <input type="checkbox"/> Resolution             |
| <input type="checkbox"/> Draft GTC Notice          | <input type="checkbox"/> Minutes                 | <input type="checkbox"/> Rule (adoption packet) |
| <input type="checkbox"/> Draft GTC Packet          | <input type="checkbox"/> MOU/MOA                 | <input type="checkbox"/> Statement of Effect    |
| <input type="checkbox"/> E-poll results/back-up    | <input type="checkbox"/> Petition                | <input type="checkbox"/> Travel Documents       |
| <input type="checkbox"/> Other: <i>Describe</i>    |  |   |

4. **Budget Information:**

- Budgeted  Budgeted – Grant Funded  Unbudgeted  
 Not Applicable  Other: *Describe*

5. **Submission:**

Authorized Sponsor: Mark W. Powless, General Manager

Primary Requestor: \_\_\_\_\_

Additional Requestor: (Name, Title/Entity)

Additional Requestor: (Name, Title/Entity)

Submitted By: CELLIS1



## Business Committee Agenda Request – Cover Memo

**From:** Aliskwet Ellis, Information Management Specialist

**Date:** 9/9/2022

**RE:** Land Acquisition Naming report

---

### **PURPOSE**

This correspondence is to inform the Business Committee that the Information Specialist has not received the information as directed by the BC by the given deadline.

### **BACKGROUND**

During the June 8, 2022, regular Business Committee meeting, the CDC #21-114 - Sacred Burial Grounds Expansion was presented. It was noted that acquisitions were titled under last names instead of the acquisition number given to each allotment. Treasurer Tina Danforth made the following subsequent motion:

Motion by Tina Danforth to direct the General Manager to work with Land Management to update all documents in referencing former family names of acquisitions and to bring back a report to the first Business Committee meeting in August, seconded by Lisa Liggins. Motion carried.

### **REQUESTED ACTION**

Determine next steps regarding Land Acquisition Naming report.



Safe Shelter donation follow-up

---

**Business Committee Agenda Request****1. Meeting Date Requested:** 09/14/22**2. Session:** Open     Executive – must qualify under §107.4-1.Justification: *Choose or type justification.***3. Requested Motion:** Accept as information; OR

Approve or deny to Approve the use of Economic Development, Diversification, and Community Development Funds for the Donation of \$150,000 to the Safe Shelter, Inc.

**4. Areas potentially impacted or affected by this request:** Finance Programs/Services Law Office MIS Gaming/Retail Boards, Committees, or Commissions Other: *Describe***5. Additional attendees needed for this request:**

Rae Skenandore, Budget Analyst

Justin Nishimoto, Business Analyst

Pearl McLester, Safe Shelter, Inc

*Name, Title/Entity OR Choose from List*

**6. Supporting Documents:**

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Bylaws                    | <input type="checkbox"/> Fiscal Impact Statement | <input type="checkbox"/> Presentation           |
| <input type="checkbox"/> Contract Document(s)      | <input type="checkbox"/> Law                     | <input type="checkbox"/> Report                 |
| <input checked="" type="checkbox"/> Correspondence | <input type="checkbox"/> Legal Review            | <input checked="" type="checkbox"/> Resolution  |
| <input type="checkbox"/> Draft GTC Notice          | <input type="checkbox"/> Minutes                 | <input type="checkbox"/> Rule (adoption packet) |
| <input type="checkbox"/> Draft GTC Packet          | <input type="checkbox"/> MOU/MOA                 | <input type="checkbox"/> Statement of Effect    |
| <input type="checkbox"/> E-poll results/back-up    | <input type="checkbox"/> Petition                | <input type="checkbox"/> Travel Documents       |
| <input type="checkbox"/> Other: <i>Describe</i>    |  |   |

**7. Budget Information:**

- |   |  |
|---|--|
| <input type="checkbox"/> Budgeted – Tribal Contribution | <input type="checkbox"/> Budgeted – Grant Funded |
| <input type="checkbox"/> Unbudgeted                     | <input type="checkbox"/> Not Applicable          |
| <input type="checkbox"/> Other: <i>Describe</i>         |  |

**8. Submission:**

Authorized Sponsor: Rae Skenandore, Budget Analyst

Primary Requestor: Councilwoman Marie Cornelius



# MEMO

To: Oneida Business Committee  
From: Economic Development Diversity and Community Development Team  
Date: September 8, 2022  
Re: Second Donation of \$150,000 to Safe Shelter Inc.

---

This memo is in response to a request from Councilwoman Marie Summers for a resolution for the approval of the second donation of \$150,000 to Safe Shelter, Inc.

## Background

The Oneida Business Committee approved BC Resolution 04-27-22-B, summarized below.

- The EDDCD team reviewed the request for a \$300,000 donation to the Safe Shelter, Inc.
- The team stated that a homeless shelter is an appropriate use for the EDDCD funds.
- The Oneida Business Committee approved the allocation of \$150,000 from the Economic Development, Diversification and Community Development Funds for the purpose of ED 22-001 Donation to Safe Shelter, Inc.
- The \$150,000 donation is not intended to be used for salaries or personnel expenses.
- The Safe Shelter Inc. shall provide a written report to the Quality-of-Life Committee identifying the impact of funding received and actions taken to meet future needs at the August 2022 Quality of Life meeting.

The Oneida Business Committee approved BC Resolution # 06-21-22-A, summarized below.

- The Oneida Business Committee removed the restrictions of personnel related expenses.

Safe Shelter Inc. submitted material for the July 21<sup>st</sup> QoL meeting where there was a motion by Tehassi Hill to submit a recommendation to the Business Committee to consider approving the

additional \$150,000 in funds for the Safe Shelter request, it was seconded by Brandon Stevens and the motion carried.

At the August 24<sup>th</sup>, 2022, OBC meeting, there was a motion by Marie Cornelius to recommend the allocation of \$150,000 from the Economic Development Diversity and Community Development Fund to the Safe Shelter, Inc. and to bring back a resolution in 21 days for the Business Committee to consider and to have Safe Shelter Inc. submit an itemized report on the first \$150,000 donated, seconded by Kirby Metoxen. Motion carried.

**In Closing**

The initial recommendation has not changed. The EDDCD Review Team maintains that utilizing the Economic Development, Diversification and Community Development Fund to support the operations of a homeless shelter is consistent with the use of the Fund and aligned with the Oneida Business Committee Broad Goals and approved Comprehensive Plan Elements related to housing. The requested resolution for ED 22-001 Donation to Safe Shelter, Inc. is attached.

# Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

## BC Resolution # Leave this line blank

### Approval of Use of Economic Development, Diversification and Community Development Funds for a Donation of \$150,000 to the Safe Shelter, Inc

- 1  
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3  
4 **WHEREAS,** the Oneida Nation is a federally recognized Indian government and a treaty tribe  
5 recognized by the laws of the United States of America; and  
6  
7 **WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation; and  
8  
9 **WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1,  
10 of the Oneida Tribal Constitution by the Oneida General Tribal Council; and  
11  
12 **WHEREAS,** the Economic Development, Diversification and Community Development Fund was  
13 created by resolutions # BC-09-28-16-B, BC-07-12-17-A, and BC-01-23-19-D and the  
14 procedures for use of the fund set forth in resolution # BC-12-12-18-B, BC-01-23-19- C,  
15 and BC-05-26-21-B, *Updating and Clarifying Access to the Economic Development,*  
16 *Diversification and Community Development Fund As Amended;* and  
17  
18 **WHEREAS,** the Oneida Business Committee approved BC Resolution # 04-27-22-B Approval of Use  
19 of Economic Development, Diversification and Community Development Funds  
20 for two donations of \$150,000 to the Safe Shelter, Inc. The first \$150,000 donation is  
21 complete.  
22  
23 **WHEREAS,** Safe Shelter Inc. was directed to provide a written report to the Quality of Life Committee  
24 identifying the impact of funding received and actions taken to meet future needs at  
25 the August 2022 Quality of Life meeting.  
26  
27 **WHEREAS,** at the July 21 QoL meeting, there was a motion by Tehassi Hill to submit a recommendation  
28 to the Business Committee to consider approving the additional \$150,000 in funds for  
29 the Safe Shelter request, that was seconded by Brandon Stevens, the motion carried.  
30  
31 **WHEREAS,** the QoL Committee recommendation to allocate \$150,000 from the EDDCD Fund to  
32 Safe Shelter, Inc. was placed on the August 24th agenda for BC approval.  
33  
34 **WHEREAS,** at the OBC meeting on August 24, 2022, there was a Motion by Marie Cornelius  
35 to recommend the allocation of \$150,000 from the Economic Development Diversity  
36 and Community Development Fund to Safe Shelter, Inc. and to bring back a resolution  
37 in 21 days for the Business Committee to consider and to have Safe Shelter Inc. submit  
38 an itemized report on the first \$150,000 donated, seconded by Kirby Metoxen. Motion  
39 carried:  
40 **WHEREAS ,** the QoL Committee Chairwoman Marie Summers requested Rae Skenandore submit a  
41 resolution for the OBC approval of the EDDCD Fund recommendation of allocating  
42 \$150,000 from the EDDCD Fund to the Safe Shelter, Inc.  
43

BC Resolution # \_\_\_\_\_

**Approval of Use of Economic Development, Diversification and Community Development Funds for a Donation of 150,000 to the Safe Shelter, Inc**  
Page 2 of 2

44 **WHEREAS** , the EDDCD Review Team has determined that utilizing the Economic Development,  
45 Diversification and Community Development Fund to support a homeless shelter is  
46 consistent with the use of the Fund and aligned with the Oneida Business Committee Broad  
47 Goals and approved Comprehensive Plan Elements related to housing.  
48

49 **NOW THEREFORE BE IT RESOLVED**, the Oneida Business Committee does approve the allocation of  
50 \$150,000 from the Economic Development, Diversification and Community Development Funds for the  
51 purpose of ED 22-001 Donation to Safe Shelter, Inc. to continue operations of the homeless shelter,  
52 identifying Safe Shelter, Inc. as the party responsible for the expenditure of these funds.

Approve the travel report - Councilwoman Jennifer Webster - 2022 Kinship Care Tribal Consultation...

---

## Business Committee Agenda Request

1. **Meeting Date Requested:** 09/14/22

2. **Session:**

Open     Executive – must qualify under §107.4-1.

Justification: *Choose or type justification.*

3. **Requested Motion:**

Accept as information; OR

Approve travel report - Councilwoman Jennifer Webster – Kinship Care Consultation– Lac Du Flambeau, WI – Aug. 15-16, 2022

4. **Areas potentially impacted or affected by this request:**

Finance

Programs/Services

Law Office

MIS

Gaming/Retail

Boards, Committees, or Commissions

Other: OBC

5. **Additional attendees needed for this request:**

**6. Supporting Documents:**

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Bylaws  | <input type="checkbox"/> Fiscal Impact Statement | <input type="checkbox"/> Presentation           |
| <input type="checkbox"/> Contract Document(s)                          | <input type="checkbox"/> Law                     | <input type="checkbox"/> Report                 |
| <input type="checkbox"/> Correspondence                                | <input type="checkbox"/> Legal Review            | <input type="checkbox"/> Resolution             |
| <input type="checkbox"/> Draft GTC Notice                              | <input type="checkbox"/> Minutes                 | <input type="checkbox"/> Rule (adoption packet) |
| <input type="checkbox"/> Draft GTC Packet                              | <input type="checkbox"/> MOU/MOA                 | <input type="checkbox"/> Statement of Effect    |
| <input type="checkbox"/> E-poll results/back-up                        | <input type="checkbox"/> Petition                | <input type="checkbox"/> Travel Documents       |
| <input checked="" type="checkbox"/> Other: Travel Report, memo, agenda |  |   |

**7. Budget Information:**

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Budgeted – Tribal Contribution | <input type="checkbox"/> Budgeted – Grant Funded |
| <input type="checkbox"/> Unbudgeted                                | <input type="checkbox"/> Not Applicable          |
| <input type="checkbox"/> Other: <i>Describe</i>                    |  |

**8. Submission:**

Authorized Sponsor: Jennifer Webster, Councilwoman

Primary Requestor: (Name, Title/Entity)



# BUSINESS COMMITTEE TRAVEL REPORT



Travel Report for: Jennifer Webster

Travel Event: Kinship Care Consultations

Travel Location: Lac Du Flambeau, WI

Departure Date: 08/15/2022 Return Date: 08/16/2022

Projected Cost: 400.00 Actual Cost: 393.5

Date Travel was Approved by OBC: 07/27/2022

### Narrative/Background:

Please see attached invite + agenda.

The Annual DCF State Consultation in June resulted in a request from Tribal Leaders for an additional consultation specifically regarding Kinship Care Program.

State DCF Staff & Tribal Leaders met on August 16 in LDF to discuss needs/barriers/opportunities regarding Kinship Care. Below is a short list of issue:

- Redefine the definition of "Blood Relative" within the statutes.
- How HUD Income requirements play a factor.
- Foster Care v. Kinship Care: Foster Care Licensing is overwhelming.
- How Food Share + TANF Programs play a factor in programming & Funding.
- Request for additional staff.
- Identified what is a budget request & Statute request.
- Need for testimonies from familie of what works/what doesn't work for Caregivers.
- Recruitment & Retention of Caregivers.
- Need for increased funding/yearly cost to raise a child.
- Current rate of \$300 per month/per child is inefficient.

### Item(s) Requiring Attention:

Continue to participate and monitor the work moving forward.

### Requested Action:

Approve report.



Wisconsin Department of  
Children and Families

Governor Tony Evers  
Secretary Emilie Amundson  
dcf.wisconsin.gov



Wisconsin Department of  
Children and Families

Governor Tony Evers  
Secretary Emilie Amundson  
dcf.wisconsin.gov

June 17, 2022

Oneida Nation of Wisconsin  
Chairperson Tehassi Hill  
PO Box 365  
Oneida, WI 54155-0365

Dear Chairperson Hill,

At our 2022 Tribal Consultation Meeting, the Department of Children and Families (DCF) received feedback regarding the Kinship Care Program. DCF and Tribal Leaders felt that additional time was needed to continue the discussion and this item was placed on our Action Plan (Item 4). Therefore, DCF would like to invite you to attend a Kinship Care Tribal Consultation meeting on Tuesday, August 16, 2022, from 9:00 a.m. until 3:00 p.m. (optional breakfast starting at 8:00 a.m.), at:

Lake of the Torches Resort  
510 Old Abe Rd  
Lac Du Flambeau, WI 54538

My team and I value the opportunity to hear from you and your team regarding the Kinship Care Program. The tribal consultation process is important to me and to my colleagues at DCF as it allows us to work collaboratively with tribal partners. At the 2022 Tribal Consultation Meeting, Tribal Leaders raised concerns surrounding parity between Kinship Care Providers and Foster Care Providers in both services and funding as well as the need to modify the existing Kinship Care Program definition of relative to include the tribal definition of relative. In addition to these discussions, my team and I will come prepared to discuss updates and initiatives related specifically to the Kinship Care Program. As always, we welcome your contributions, recommendations, and assistance in creating our shared goals.

Please contact Stephanie Lozano, Tribal Liaison, at: StephanieM.Lozano@wisconsin.gov or 608-422-7076, regarding agenda items related to the Kinship Care Program and the number of anticipated individuals that will be attending the consultation meeting so that we may ensure we have materials and final meal counts.

I am looking forward to meeting with you as we continue to develop and strengthen our relationship and collaborative efforts to enhance and maintain healthy environments for Wisconsin children and families.

Sincerely,

Emilie Amundson  
Secretary

Secretary's Office  
DCF-F-22-E (R. 12/2020)

201 West Washington Avenue  
P.O. Box 8916  
Madison, WI 53708-8916

Phone: 608-422-7000  
Fax: 608-422-7161  
f

## Agenda

Tribal Consultation Meeting on Kinship Care  
Lake of the Torches – Lac du Flambeau, WI  
August 16, 2022

8:00 AM	Breakfast (optional)
9:00 AM	Welcome and Introductions <ul style="list-style-type: none"> <li>• President Johnson or Vice President Thompson</li> <li>• Secretary Emilie Amundson</li> </ul>
	Shared Working Agreements
	Overview of Kinship Process
	Kinship Materials and Challenges Discussion
	Stories from the Field
12:00 PM	Lunch
1:00 PM	Avenues for Change and Solution Brainstorm
	Next Steps
3:00 PM	Adjourn

Approve the travel request - Councilwoman Jennifer Webster - Administration for Children & Families...

## Business Committee Agenda Request

1. Meeting Date Requested: 09/14/22

2. Session:

Open     Executive – must qualify under §107.4-1.

Justification: *Choose or type justification.*

3. Requested Motion:

Accept as information; OR

Approve travel request - Councilwoman Jennifer Webster -Administration for Children & Families Tribal Advisory Committee (ACF-TAC)-Sequim, WA-Oct. 11-15, 2022

4. Areas potentially impacted or affected by this request:

Finance

Programs/Services

Law Office

MIS

Gaming/Retail

Boards, Committees, or Commissions

Other: OBC

5. Additional attendees needed for this request:

*Name, Title/Entity OR Choose from List*

*Name, Title/Entity OR Choose from List*

*Name, Title/Entity OR Choose from List*

*Name, Title/Entity OR Choose from List*

**6. Supporting Documents:**

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Bylaws                           | <input type="checkbox"/> Fiscal Impact Statement | <input type="checkbox"/> Presentation           |
| <input type="checkbox"/> Contract Document(s)             | <input type="checkbox"/> Law                     | <input type="checkbox"/> Report                 |
| <input type="checkbox"/> Correspondence                   | <input type="checkbox"/> Legal Review            | <input type="checkbox"/> Resolution             |
| <input type="checkbox"/> Draft GTC Notice                 | <input type="checkbox"/> Minutes                 | <input type="checkbox"/> Rule (adoption packet) |
| <input type="checkbox"/> Draft GTC Packet                 | <input type="checkbox"/> MOU/MOA                 | <input type="checkbox"/> Statement of Effect    |
| <input type="checkbox"/> E-poll results/back-up           | <input type="checkbox"/> Petition                | <input type="checkbox"/> Travel Documents       |
| <input checked="" type="checkbox"/> Other: Travel Request |  |   |

**7. Budget Information:**

- |   |  |
|---|--|
| <input type="checkbox"/> Budgeted – Tribal Contribution | <input type="checkbox"/> Budgeted – Grant Funded |
| <input type="checkbox"/> Unbudgeted                     | <input type="checkbox"/> Not Applicable          |
| <input checked="" type="checkbox"/> Other: reimbursed   |  |

**8. Submission:**

Authorized Sponsor: Jennifer Webster, Councilwoman

Primary Requestor: (Name, Title/Entity)

### Oneida Business Committee Travel Request

1. OBC Meeting Date Requested: 9 / 14 / 22  e-poll requested

2. General Information:

Event Name: Administration for Children & Families Tribal Advisory Committee (ACF-TAC)

Event Location: Sequim, WA Attendee(s): Jennifer Webster

Departure Date: October 11, 2022 Attendee(s):

Return Date: October 15, 2022 Attendee(s):

3. Budget Information:

- Funds available in individual travel budget(s)
- Unbudgeted
- Grant Funded or Reimbursed

Cost Estimate: \$2848.00

4. Justification:

Describe the justification of this Travel Request:

Councilwomen Jennifer Webster is the Primary Representative for the Bemidji Area and is being requested to attend the In-Person Tribal Advisory Committee Mtg.  
 The purpose of the travel is to have a face-to-face meeting between TAC and the Assistant Secretary for Children and Families (ACF) to develop an outline of the concerns/issues for ACF to address in consultations with the Tribes.  
 Tentative agenda + Yearly Schedule is attached.

\*\*\*\*\*Note: ACF pays for all travel expenses.

Requested Action: Approve Travel Request

5. Submission

Sponsor: Jennifer Webster, Councilmember

- 1) Save a copy of this form for your records.
- 2) Print this form as a \*.pdf OR print and scan this form in as \*.pdf.
- 3) E-mail this form and all supporting materials in a **SINGLE** \*.pdf file to: BC\_Agenda\_Requests@oneidanation.org

Air + Hotel + per diem  
pd by ACF,

**ONEIDA NATION**  
**TRAVEL AUTHORIZATION REQUEST**

**General Travel Information**

Name of Traveler	Jennifer Webster		
<i>Legal name as it appears on Travelers Driver's License or State ID, no nicknames</i>			
Employee Number	466		
Destination	Sequim, WA (Seattle)		
Departure date	10/11/2022	Return date	10/15/2022
Purpose of travel	Administration for Children & Families Tribal Advisory Committee (ACF-TAC)		
Charged GL Account			

**GSA (General Services Administration) Rates are linked on SharePoint under Employee Resources**

Per Diem rate per day	\$ 74.00		
-----------------------	----------	--	--

**Cost Estimate Information**

## Personal Automobile Mileage Expenses

Total miles		Multiply by the Mileage rate	\$.625	\$ 0.00
<b>Description</b>	<b>Rate</b>	<b>Factor</b>	<b>Days</b>	<b>Total</b>
Per Diem for initial travel date	\$ 74.00	0.75	1	\$ 55.50
Per Diem full day at destination	\$ 74.00	1.00	3	\$ 222.00
Per Diem for return travel date	\$ 74.00	0.75	1	\$ 55.50
Subtract included meals				\$ 1.00
Miscellaneous expenses: taxi, parking, fees, etc.				
<b>Sub-Total = Travel Advance</b>				\$ 332.00
Lodging including room, taxes, fees, and hotel parking	\$ 104.00		4	\$ 416.00
Airfare				\$ 1,200.00
Luggage Fees				\$ 100.00
Car Rental				\$ 300.00
Registration				
<b>Sub-Total = Virtual Card</b>				\$ 2,016.00
Allowable price adjustment				\$ 500.00
<b>Total Cost Estimate</b>				<b>\$ 2,848.00</b>

I understand this advance will be deducted from my claim for reimbursement of actual travel expenses. I also understand that if this advance is not cleared within 10 calendar days after my travel return date, the Nation has the authority to withhold any advanced funds from future wages.

**Signatures / Approvals**

	Signature	Date
Traveler		
Supervisor		

Send all travel related items to: [CentralAccounting\\_Travel@oneidanation.org](mailto:CentralAccounting_Travel@oneidanation.org)



# Administration for Children and Families (ACF) Triannual ACF Tribal Advisory Committee Meeting Jamestown S'Klallam Tribe, Sequim, WA

October 12, 2022 | 9:00 am – 5:00 pm EDT  
October 13, 2022 | 9:00 am – 5:00 pm EDT  
October 14, 2022 | 9:00 am – 1:30 pm EDT

Pre-meeting | Tuesday, October 11, 2022

DRAFT AGENDA



As Monday, October 10, 2022 is a Federal holiday, the travel day for the Triannual ACF TAC meeting will be Tuesday, October 11, 2022. Travel and lodging information is as follows:

Airport: Seattle-Tacoma International Airport  
Desired Arrival Time: 2:00 pm (airport to hotel is approximately 2 hours)  
Meeting & Lodging Site: Seven Cedars Hotel

A meeting package will be provided that includes background information for the meeting discussion and logistics information, including ground transportation options. Two events are proposed for the evening of October 11, 2022 at the Seven Cedars:

- 5:00 PM PDT ACF Tribal Advisory Committee (TAC) Caucus—CLOSED SESSION FOR TRIBAL REPRESENTATIVES ONLY. (Blyn Bay Banquet Room)
- 6:30 PM PDT ACF TAC Meet & Greet—TRIBAL & FEDERAL OFFICIALS (Restaurant)  
The purpose of this event is to allow Tribal and Federal representatives to socialize and get to know more about each other. This event is optional but encouraged. Arrangements for a location to gather for appetizers or dinner (self-pay) is underway with the hotel.

Day 1 | Wednesday, October 12, 2022

Zoom Link (will be available)

## PRELIMINARY AGENDA FOR ACF TAC DISCUSSION

9:00 AM PDT MEETING OPENING

### Tribal Opening and Welcome

This session will start the meeting in a good way; acknowledge the Tribal lands, culture, and lifeways of the Klallam people; welcome tribal advisory committee (TAC) members and visitors joining to listen to the meeting; address the responsibilities of the ACF TAC; address ACF's commitment to working in partnership with sovereign Tribal nations; and welcome Tribal and Federal officials to the State of Washington.

Blessing Song: Loni Greninger, Vice Chair, Jamestown S'Klallam Tribal Council

Welcome: W. Ron Allen, Chairman, Jamestown S'Klallam Tribal Council

ACF TAC Chair

January Contreras, Assistant Secretary for Children and Families, ACF

TBD, Washington State Official

Quorum: Miriha Beadle, Senior Policy Advisor

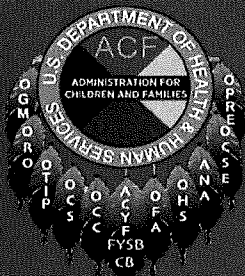
9:45 AM

### ACF TAC Business Meeting

ACF TAC Chair

- Strategic Plan: Discussion and Vote
- Other Business

Seven Cedars Hotel



# Administration for Children and Families (ACF) Triannual ACF Tribal Advisory Committee Meeting Jamestown S’Klallam Tribe, Sequim, WA

October 12, 2022 | 9:00 am – 5:00 pm EDT  
October 13, 2022 | 9:00 am – 5:00 pm EDT  
October 14, 2022 | 9:00 am – 1:30 pm EDT

- 3:30 PM**      **Transportation to Jamestown S’Klallam Healing Clinic**  
Hotel Shuttle Transport
  
- 4:00 PM**      **Tribal Experience 1 — Site Visit | Jamestown S’Klallam Healing Clinic**  
Medication Assisted Treatment Program
  
- 5:30 PM**      **Tribal Experience 2 — Cultural Dinner | Tribal and Federal Officials**  
Dungeness River Nature Center
  - Explore the Dungeness Nature Center
  - Dinner at the Dungeness Nature Center with Intertribal dances, songs, and storytelling (6:45 pm sunset)





# Administration for Children and Families (ACF)

## Triannual ACF Tribal Advisory Committee Meeting

### Jamestown S'Klallam Tribe, Sequim, WA

October 12, 2022 | 9:00 am – 5:00 pm EDT  
 October 13, 2022 | 9:00 am – 5:00 pm EDT  
 October 14, 2022 | 9:00 am – 1:30 pm EDT

Day 2 | Thursday, October 13, 2022

Day 2

9:00 AM PDT Opening and Review of the Day

*ACF TAC Chair*  
*Mirtha Beadle, Senior Policy Advisor*

9:15 AM Improving integration of Behavioral Health and Human Services —  
 Focus on Substance Use Disorders

This session is a continuation of the behavioral health discussion initiated during the Triannual ACF TAC meeting in June 2022. For the June meeting, the focus was on mental health and the current discussion will be on substance use.

**Responding to Substance Use Challenges in Tribal Communities**

*Moderators: ACF TAC Tribal Delegate and Federal Official*

- *The Reality of Substance Use – The Lived Experience (Tribal Citizen)*
- *Strengthening Tribal Behavioral Health through ACF's Programs*
- *HHS Subcommittee on Overdose Prevention and ACF Strategies*

**Substance Use, Domestic Violence, and Family Stability**

*Moderators: ACF TAC Tribal Delegate and Federal Official*

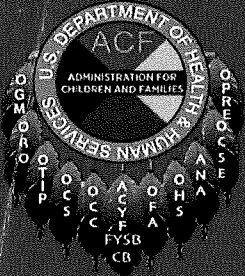
- *ACF TAC Tribal Delegate*
- *ACF TAC Federal Official*
- *ACF TAC Federal Official*

11:45 PM LUNCH (on your own)

1:00 PM Substance Use, Human Trafficking, and Missing and Murdered  
 Indigenous Persons (MMIP)

- Connections: Substance Use and Human Trafficking  
*Invited speaker*
- Intersectionality: MMIP and Human Trafficking  
*Invited speaker*
- Culturally-Informed Programs to Reduce Substance Misuse  
*ACF TAC Federal Official*

2:45 PM Break and Preparation for Site Visit



# Administration for Children and Families (ACF)

## Triannual ACF Tribal Advisory Committee Meeting

### Jamestown S'Klallam Tribe, Sequim, WA

October 12, 2022 | 9:00 am – 5:00 pm EDT  
 October 13, 2022 | 9:00 am – 5:00 pm EDT  
 October 14, 2022 | 9:00 am – 1:30 pm EDT

Pre-meeting | Tuesday, October 11, 2022

DRAFT AGENDA

As Monday, October 10, 2022 is a Federal holiday, the travel day for the Triannual ACF TAC meeting will be Tuesday, October 11, 2022. Travel and lodging information is as follows:

Airport:	Seattle-Tacoma International Airport
Desired Arrival Time:	2:00 pm (airport to hotel is approximately 2 hours)
Meeting & Lodging Site:	<u>Seven Cedars Hotel</u>

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5:00 PM PDT	ACF Tribal Advisory Committee (TAC) Caucus—CLOSED SESSION FOR TRIBAL REPRESENTATIVES ONLY ( <i>Blyn Bay Banquet Room</i> )
6:30 PM PDT	ACF TAC Meet & Greet—TRIBAL & FEDERAL OFFICIALS ( <i>Restaurant</i> ) The purpose of this event is to allow Tribal and Federal representatives to socialize and get to know more about each other. This event is optional but encouraged. Arrangements for a location to gather for appetizers or dinner (self-pay) is underway with the hotel.

Day 1 | Wednesday, October 12, 2022

Zoom Link (will be available)

## PRELIMINARY AGENDA FOR ACF TAC DISCUSSION

9:00 AM PDT MEETING OPENING

### Tribal Opening and Welcome

This session will start the meeting in a good way; acknowledge the Tribal lands, culture, and lifeways of the Klallam people; welcome tribal advisory committee (TAC) members and visitors joining to listen to the meeting; address the responsibilities of the ACF TAC; address ACF's commitment to working in partnership with sovereign Tribal nations; and welcome Tribal and Federal officials to the State of Washington.

*Blessing Song:* Loni Greninger, Vice Chair, Jamestown S'Klallam Tribal Council

*Welcome:* W. Ron Allen, Chairman, Jamestown S'Klallam Tribal Council

ACF TAC Chair

January Contreras, Assistant Secretary for Children and Families, ACF

TBD, Washington State Official

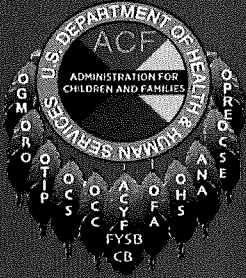
*Quorum:* Mirtha Beadle, Senior Policy Advisor

9:45 AM

### ACF TAC Business Meeting

ACF TAC Chair

- Strategic Plan: Discussion and Vote
- Other Business



# Administration for Children and Families (ACF) Triannual ACF Tribal Advisory Committee Meeting Port Gamble S'Klallam Tribe, Kingston, WA

October 12, 2022 | 9:00 am – 5:00 pm EDT

October 13, 2022 | 9:00 am – 5:00 pm EDT

October 14, 2022 | 9:00 am – 1:30 pm EDT

**Day 3 | Friday, October 14, 2022**

**8:00 AM PDT Depart Seven Cedars Hotel to Port Gamble S'Klallam Tribe**  
Hotel Shuttle Transport to the Port Gamble Longhouse

**9:00 AM PDT Tribal Experience 3 | Opening Welcome**

Welcome – *Chairman Jeromy Sullivan, Port Gamble S'Klallam Tribe*  
*Port Gamble S'Klallam Singers*

Film – *Port Gamble Tribal history and services (Casey Foundation)*

*1 hour*

## **Decision is being made on two of the following three session options:**

- 1. A Team Approach to Improving Services for Children and Families**  
This session will showcase the Port Gamble Tribe's approach for delivering coordinated services through the Children and Family Services (child welfare, foster care, family assistance, youth services, child support enforcement, and home visiting) and Early Childhood Education (Early Head Start, Head Start, and Child Care) Departments. Following the presentation and roundtable discussion, the ACF TAC will tour the Port Gamble Early Childhood Development Center.

*Cheryl Miller, Director, Children & Family Services, Port Gamble S'Klallam Tribe*  
*Jacki Haight, Director, Early Childhood Education*  
*ACF TAC Tribal Delegates and Federal Officials will join in a roundtable discussion*
- 2. Port Gamble S'Klallam Chi-E-Chee Network**  
Chi-E-Chee promotes healthy families by eliminating alcohol, tobacco, and other drug abuse in the community based on Tribal culture, values, and traditions. The Network includes community members, parents, employees, families, businesses, school liaisons, and faith based organizations.
- 3. A Rap Session: Lifting Up the Voices of Native Youth Leaders**  
This session will provide Port Gamble Tribe's Youth Council members an opportunity to share their human services priorities, engage with Tribal and Federal officials, and share recommendations.

### Moderators

*Port Gamble Native Youth Council Members*  
*ACF TAC Tribal Delegate*

### Panelists

- *Jeromy Sullivan, Chairman, Port Gamble S'Klallam*
- *ACF TAC Tribal Delegate*
- *ACF TAC Federal Officials (4)*

**12:00 PM Lunch – Cultural food will be served**

**1:30 PM Meeting is adjourned**

## 2022 ACF Tribal Advisory Committee Meeting Schedule

*As of December 23, 2021*

Meeting Plan				
Date	No Meeting	Virtual	In-Person	Notes
January 2022	√			
February 23-24, 2022		√		<ul style="list-style-type: none"> <li>• STAC (2/10-11, Washington DC)</li> <li>• NCAI (2/13-14)</li> <li>• ACF TAC Washington, DC</li> </ul>
March 2022	√			
April 28, 2022		√		<ul style="list-style-type: none"> <li>• HHSATBCS (4/5-7)</li> <li>• NICWA (4/3-6, FL)</li> <li>• SGCETC (4/24-29, CA)</li> </ul>
May 2022	√			<ul style="list-style-type: none"> <li>• NIHB (5/9 – 12)</li> </ul>
June 22-23, 2022			√	<ul style="list-style-type: none"> <li>• STAC (6/1-2, Indian Country?)</li> <li>• NCAI (6/12-16, AK)</li> <li>• ACF TAC Washington, DC</li> </ul>
July 2022	√			
August 25, 2022		√		<ul style="list-style-type: none"> <li>• DTL for ACF TAC Areas with terms ending in December 2022</li> </ul>
September 2022	√			<ul style="list-style-type: none"> <li>• STAC (9/14-15 Washington, DC)</li> </ul>
October 2022			√	<ul style="list-style-type: none"> <li>• ACF TAC Proposed for Indian Country</li> </ul>
November 2022	√			<ul style="list-style-type: none"> <li>• STAC (11/8-9)</li> </ul>
December 2022		√		<ul style="list-style-type: none"> <li>• ACF TAC terms end for Billings, California, Great Plains (primary), Navajo, Portland, NALMs (2 primary and 1 alternate seat)</li> </ul>

Approve the travel request - Councilwoman Jennifer Webster - Multiple Events - Washington, D.C. -...

### Business Committee Agenda Request

1. Meeting Date Requested: 09/14/22

2. Session:

Open  Executive – must qualify under §107.4-1.

Justification: *Choose or type justification.*

3. Requested Motion:

Accept as information; OR

Approve travel request - Councilwoman Jennifer Webster -IHS TSGAC/HHS STAC/Oral Arguments/Veterans Memorial Dedication-Washington DC-Nov. 6-12, 2022

4. Areas potentially impacted or affected by this request:

- Finance  Programs/Services
- Law Office  MIS
- Gaming/Retail  Boards, Committees, or Commissions
- Other: OBC

5. Additional attendees needed for this request:

- Name, Title/Entity OR Choose from List*
- Name, Title/Entity OR Choose from List*
- Name, Title/Entity OR Choose from List*
- Name, Title/Entity OR Choose from List*

**6. Supporting Documents:**

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Bylaws                           | <input type="checkbox"/> Fiscal Impact Statement | <input type="checkbox"/> Presentation           |
| <input type="checkbox"/> Contract Document(s)             | <input type="checkbox"/> Law                     | <input type="checkbox"/> Report                 |
| <input type="checkbox"/> Correspondence                   | <input type="checkbox"/> Legal Review            | <input type="checkbox"/> Resolution             |
| <input type="checkbox"/> Draft GTC Notice                 | <input type="checkbox"/> Minutes                 | <input type="checkbox"/> Rule (adoption packet) |
| <input type="checkbox"/> Draft GTC Packet                 | <input type="checkbox"/> MOU/MOA                 | <input type="checkbox"/> Statement of Effect    |
| <input type="checkbox"/> E-poll results/back-up           | <input type="checkbox"/> Petition                | <input type="checkbox"/> Travel Documents       |
| <input checked="" type="checkbox"/> Other: Travel Request |  |   |

**7. Budget Information:**

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Budgeted – Tribal Contribution | <input type="checkbox"/> Budgeted – Grant Funded |
| <input type="checkbox"/> Unbudgeted                                | <input type="checkbox"/> Not Applicable          |
| <input checked="" type="checkbox"/> Other: reimbursed              |  |

**8. Submission:**

Authorized Sponsor: Jennifer Webster, Councilwoman

Primary Requestor: (Name, Title/Entity)

## Oneida Business Committee Travel Request

**1. OBC Meeting Date Requested:** 09 / 14 / 2022  e-poll requested

### 2. General Information:

Event Name: IHS TSGAC/HHS STAC/Oral Arguments/Veterans Memorial Dedication

Event Location: Washington DC

Attendee(s): Jennifer Webster

Departure Date: Nov. 6, 2022

Attendee(s):

Return Date: Nov. 12, 2022

Attendee(s):

### 3. Budget Information:

Funds available in individual travel budget(s)

Unbudgeted

Grant Funded or Reimbursed

Cost Estimate: \_\_\_\_\_

### 4. Justification:

Describe the justification of this Travel Request:

Please see attached list of events for the week of Nov. 6-12, 2022 in Washington DC.  
Below is a breakdown of days and who pay's for what:

Nov. 6 Travel Date (airfare funded by IHS-TAC) -hotel paid by TSGAC  
Nov. 7 IHS Self-Gov Tribal Advisory Cmte - hotel paid by TSGAC  
Nov. 8 Morning - IHS Self-Gov Tribal Advisory Cmte  
Nov. 8 Afternoon - Secretary Tribal Advisory Cmte - hotel paid by STAC  
Nov. 9 Secretary Tribal Advisory Cmte - hotel paid by STAC - hotel paid by STAC  
Nov. 9 Supreme Court Oral Arguments/Brackeen v. Haaland - hotel paid by STAC  
Nov. 10 Possible Lobbying - hotel paid by Oneida  
Nov. 11 Smithsonian's National Museum of American Indian Veteran's Memorial- hotel paid by Oneida  
Nov. 12 Travel Date (airfare funded by IHS-TAC).

Costs to Oneida will be 2 nights hotel (\$376) & 2.5 day per diem/taxi (\$317.25) for Nov. 10-12  
Estimate cost \$693.25

### 5. Submission

Sponsor: Jennifer Webster, Councilmember

- 1) Save a copy of this form for your records.
- 2) Print this form as a \*.pdf OR print and scan this form in as \*.pdf.
- 3) E-mail this form and all supporting materials in a **SINGLE** \*.pdf file to: BC\_Agenda\_Requests@oneidation.org

**Jennifer A. Webster**

---

**From:** selfgov\_tribal@tribalsegov.simplelists.com on behalf of Jay Spaan  
<jays@tribalsegov.org>  
**Sent:** Wednesday, August 17, 2022 10:02 AM  
**To:** selfgov\_tribal@tribalsegov.simplelists.com  
**Subject:** Next IHS TSGAC & DOI SGAC Meetings - November 2022

Hello –

The next IHS TSGAC and DOI SGAC meetings will convene in Washington DC the week of Nov 7.

The current agenda framework for the meetings is as follows:

IHS TSGAC

November 7 (full day)

November 8 (possibly morning – the specific time will be dependent upon on the start time for the HHS STAC)

DOI SGAC

Nov 9 (late afternoon)

Nov 10 (full day)

TSGAC and SGAC workgroups will also meet on Nov 8 and Nov 9 (times TBD).

FYI - The HHS STAC is also convening a meeting on Nov. 8 and Nov. 9 in DC – we will ensure the official TSGAC meeting does not overlap with the HHS STAC meeting to allow for TSGAC members to attend both the TSGAC and the STAC meetings.

*Also note that the Supreme Court oral arguments begin Nov. 9 for Brackeen v. Haaland.*

The meeting will be held at:  
PARK HYATT WASHINGTON  
1201 24th Street, NW  
Washington, DC, 20037  
(202) 419-6606

Link for the TSGAC & SGAC ROOM BLOCK: <https://www.hyatt.com/en-US/group-booking/WASPH/G-KSG2>

A registration link (registration is free) will be added to the website early next week.

Thank you!

To unsubscribe from this list please go to  
<https://tribalsegov.simplelists.com/confirm/?u=oLUojHQta21XzwyOPbj7UY6GZmCtOgXO>



# National Museum of the American Indian To Dedicate National Native American Veterans Memorial

May 13, 2022



Photo courtesy of Michael Perrin

WASHINGTON, D.C. – The Smithsonian’s National Museum of the American Indian will dedicate the National Native American Veterans Memorial Friday, Nov. 11. The dedication ceremony will take place on the National Mall in Washington, D.C., as part of a three-day event (Nov. 11–13) to honor Native veterans. A Native veterans procession will take place before the start of the dedication ceremony.

“The dedication of this memorial is an opportunity to gather and reflect on the extraordinary service and sacrifice of Native veterans and their families,” said Cynthia Chavez Lamar (San Felipe Pueblo, Hopi, Tewa and Navajo), the museum’s director. “I hope everyone will join us for this momentous occasion, so together we can offer them our thanks for their contributions to our country.”

Events Nov. 11 will begin in the afternoon with a Native veterans procession, which will make its way along the National Mall to the dedication ceremony. There will be viewing areas along the procession route for supporters to gather to honor the participating veterans and watch the ceremony.

Throughout the weekend, the museum will host special programming in honor of the dedication of the memorial, including hands-on activities, films in the Rasmuson Theater, performances in the Potomac Atrium and a dedicated veterans hospitality suite.

Visitors can also visit the exhibition “Why We Serve: Native Americans in the United States Armed Forces” on the museum’s second floor. The exhibition, which tells personal stories of Native Americans, Native Hawaiians and Alaska Native veterans who have served in the U.S. armed forces, brings long overdue recognition to those who have served their country selflessly and with honor for more than 250 years.

More information about the dedication of the National Native American Veterans Memorial can be found by visiting the [memorial’s website](#). The website includes details on how to register to participate in the Native veterans procession. The dedication ceremony will also be livestreamed on the website so those who cannot attend in person can also watch.

The National Native American Veterans Memorial sits on the grounds of the National Museum of the American Indian and was commissioned by Congress to give “all Americans the opportunity to learn of the proud and courageous tradition of service of Native Americans in the Armed Forces of the United States.” Native Americans have served in every major military conflict in the U.S. since the Revolutionary War. This is the first national landmark in

EXPECTATIONS/FUTURE PLANS REGARDING THE OUTCOME/GOAL:

It is the intent of ONVAC to continuously work to improve the Memorial Site, including the honoring and recognition of our Oneida Warriors past, present and future. We are also very PROUD to have the Wisconsin State Military Order of the Purple Heart Monument within our Memorial Site, with special thanks to the unconditional commitment by our former ONVAC Member and Commander of the Wisconsin Military Order of the Purple Heart, our comrade and colleague, Mr. George Greendeer.

**Stipends**

*Per the Boards, Committees, and Commissions law, stipends are set via OBC resolution. BC resolution # 08-12-20-C sets the stipend amounts.*

**Budget Information**

<u>FY-2022 BUDGET:</u>	\$51,524.00
------------------------	-------------

<u>FY-2022 EXPENDITURES AS OF END OF REPORTING PERIOD: 6/30/2022</u>	\$2,775.00
--	------------

The ONVAC has received approval from the Business Committee to attend the Dedication Ceremony in Washington, D.C. in November 2022. The ONVAC will be participating in the procession along the National Mall from the museum to the ceremony stage in front of the U.S. Capitol. Given that this event is on a National platform and, whereas ONVAC recognizes the importance of having our Nation's veterans represented in full, all ONVAC members were requested to participate for an event of this magnitude. ONVAC members will participate, in uniform, with the colors including our Nation's flag and the ONVAC eagle staff.

**Requests**

Enter request(s), if needed.

**Other**

Although the ONVAC has unofficially continued to represent our Oneida Veterans, their families and our Community throughout the Covid-19 Pandemic, we have respectfully provided our services within the parameters as allowed during this period. It is truly our honor to be reinstated and we THANK the OBC and the Oneida Health Department for keeping our Nation safe and our on-going services will continue to be provided within these preventative parameters.

## Oneida Business Committee Travel Request

Approve the travel request - Chairman Tehassi Hill and Councilwoman Marie Cornelius - Packers VIP trip

**1. OBC Meeting Date Requested:**    09 / 14 / 22                       e-poll requested

### 2. General Information:

Event Name: \_\_\_\_\_ Packers VIP Trip \_\_\_\_\_

Event Location:                      London                      Attendee(s):

Departure Date:                       Attendee(s):

Return Date:                       Attendee(s):

### 3. Budget Information:

Funds available in individual travel budget(s)

Unbudgeted

Grant Funded or Reimbursed

Cost Estimate:                      \$858 per attendee

### 4. Justification:

Describe the justification of this Travel Request:

Chairman Tehassi Hill and Council member Marie Cornelius were invited to attend the October 9, 2022 Packers game against the New York Giants at the Tottenham Hotspur Stadium in London. Travel dates are Oct. 4-10, 2022 and all travel accommodations will be paid for. Note that per diem will come out of each attendee's travel budget.

This is an opportunity to network and build face to face relationships. Chairman Hill and Council member Cornelius will represent the Nation, enhancing the Nation's image, making Oneida more visible, making connections and long-lasting networking relationships. This travel will benefit the Nation as we look forward to finding new approaches, solutions, and opportunities.

### 5. Submission

Sponsor:

- 1) Save a copy of this form for your records.
- 2) Print this form as a \*.pdf OR print and scan this form in as \*.pdf.
- 3) E-mail this form and all supporting materials in a **SINGLE** \*.pdf file to: BC\_Agenda\_Requests@oneidanation.org

## Oneida Business Committee Agenda Request

### Travel Request Cover Memo

**Event Name:** Packers VIP Trip

**Location:** London

**Departure/Return Date:** 10/04/2022 – 10/10/2022

**Budget Information:**

**Cost Estimate:** \$858 per attendee (per diem)

**Justification:** Gaming General Manager, Louise Cornelius, received an invitation for a VIP trip, for a small group of the Packers most important sponsors. Louise unable to attend, extended the offer to Oneida's Government Officials. The Business Committee discussed who should attend this all-paid VIP trip and it was decided amongst them that Chairman Hill and Councilmember Cornelius (formerly Summers) would attend. This is an opportunity for them to network and build face to face relationships. Chairman Hill and Council member Cornelius will represent the Nation, enhancing the Nation's image, making Oneida more visible, making connections and long-lasting networking relationships. This travel will benefit the Nation as we look forward to finding new approaches, solutions, and opportunities.

Included with this invitation:

- Airfare: Business class roundtrip airfare from WI to London
- Hotel Accommodations: Tuesday-Monday (October 4-10) at the Grosvenor House, London
- Special Events throughout the weekend in London
- Game tickets to the Packers vs. Giants game on Sunday, October 9 @ 2:30pm London time

\*Per diem for any meals not included will come out of Chairman Hill and Councilwoman Cornelius's travel budget.



**We are looking forward to hosting you and your guest in London this October! Please find some high level trip details below. Please note that we are looking to have your travel information no later than Friday, June 17.**

#### **TRAVEL DATES & ITINERARY**

Tuesday, October 4 – Monday, October 10, 2022

**Tuesday, October 4:** *Overnight flight to Edinburgh, Scotland*

**Wednesday, October 5:** *Arrive in Scotland*

- Arrival and private welcome reception at St. Andrews
- Group will stay overnight at Old Course Hotel at St. Andrews

**Thursday, October 6:** *Golf at Kingsbarn at St. Andrews (8am tee time)*

- After golf, group will depart to train station for evening train to London
- Arrival in London that evening

**Friday, October 7:** *Full day in London*

- Double-decker bus tour of London (optional)
- Group dinner that evening

**Saturday, October 8:** *Full day in London*

- Packers Pep Rally from 12-2pm (optional)
- Private reception at the Tower of London

**Sunday, October 9:** *Gameday!*

- Pre-game tailgate party
- Packers vs Giants at Tottenham Hotspur Stadium

**Monday, October 10**

- Depart for return flights

#### **ACCOMMODATIONS**

Hotel Accommodations will be provided for five nights:

- Scotland: Old Course Hotel at St. Andrews (night of Oct. 5)
- London: JW Marriott Grosvenor House (nights of Oct. 6-9)

#### **TRAVEL DETAILS**

Please review and fill out the Guest Travel Information form sent with this invite. Please return no later than June 17, 2022.

#### **MISCELLANEOUS DETAILS**

- All travel, accommodations, events and game tickets will be provided by the Packers.
- Itinerary is subject to change. Final trip details will be sent in September.
- The Packers will monitor all Covid-19 travel requirements and will share guidelines for all guests closer to the trip.

Enter the e-poll results into the record regarding the approved travel request for Secretary Lisa Liggins to

## Business Committee Agenda Request

1. Meeting Date Requested: 09/14/22

2. General Information:

Session:  Open  Executive – must qualify under §107.4-1.  
Justification: *Choose reason for Executive.*

3. Supporting Documents:

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Bylaws                            | <input type="checkbox"/> Fiscal Impact Statement | <input type="checkbox"/> Presentation           |
| <input type="checkbox"/> Contract Document(s)              | <input type="checkbox"/> Law                     | <input type="checkbox"/> Report                 |
| <input type="checkbox"/> Correspondence                    | <input type="checkbox"/> Legal Review            | <input type="checkbox"/> Resolution             |
| <input type="checkbox"/> Draft GTC Notice                  | <input type="checkbox"/> Minutes                 | <input type="checkbox"/> Rule (adoption packet) |
| <input type="checkbox"/> Draft GTC Packet                  | <input type="checkbox"/> MOU/MOA                 | <input type="checkbox"/> Statement of Effect    |
| <input checked="" type="checkbox"/> E-poll results/back-up | <input type="checkbox"/> Petition                | <input type="checkbox"/> Travel Documents       |
| <input type="checkbox"/> Other: <i>Describe</i>            |  |   |

4. Budget Information:

- |  |  |                                     |
|--|--|-------------------------------------|
| <input type="checkbox"/> Budgeted                  | <input type="checkbox"/> Budgeted – Grant Funded | <input type="checkbox"/> Unbudgeted |
| <input checked="" type="checkbox"/> Not Applicable | <input type="checkbox"/> Other: <i>Describe</i>  |                                     |

5. Submission:

Authorized Sponsor: Lisa Liggins, Secretary

Primary Requestor: \_\_\_\_\_

Additional Requestor: (Name, Title/Entity)

Additional Requestor: (Name, Title/Entity)

Submitted By: CELLIS1

**From:** [Secretary](#)  
**To:** [Secretary](#); [Tehassi Tasi Hill](#); [Brandon L. Yellowbird-Stevens](#); [Cristina S. Danforth](#); [Lisa A. Liggins](#); [Daniel P. Guzman](#); [David P. Jordan](#); [Kirby W. Metoxen](#); [Ethel M. Summers](#); [Jennifer A. Webster](#)  
**Cc:** [Danelle A. Wilson](#); [Rhiannon R. Metoxen](#); [Kristal E. Hill](#); [BC Agenda Requests](#)  
**Subject:** E-POLL RESULTS: Approve the travel request - Secretary Lisa Liggins - Tribal Constitutions Native Nations Institute Seminar - Phoenix, AZ - September 18-20, 2022  
**Date:** Monday, August 22, 2022 8:15:44 AM  
**Attachments:** [BCAR Approve the travel request - Secretary Lisa Liggins - Tribal Constitutions Native Nations Institute Seminar - Phoenix AZ - September 18-20 2022.pdf](#)

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## E-POLL RESULTS

**The e-poll to approve the travel request for Secretary Lisa Liggins to attend the Tribal Constitutions Native Nations Institute Seminar in Phoenix, AZ - September 18-20, 2022 has carried.** Below are the results:

Support: Marie Cornelius, Daniel Guzman King, David P. Jordan, Lisa Liggins, Kirby Metoxen, Brandon Stevens, Jennifer Webster

Aliskwet Ellis  
Information Management Specialist  
Government Administrative Office  
O: 920.869.4408 • E: [cellis1@oneidanation.org](mailto:cellis1@oneidanation.org)  
P.O. Box 365 • Oneida, WI • 54155



A good mind. A good heart. A strong fire.

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**From:** Secretary <[TribalSecretary@oneidanation.org](mailto:TribalSecretary@oneidanation.org)>  
**Sent:** Thursday, August 18, 2022 8:55 AM  
**To:** Secretary <[TribalSecretary@oneidanation.org](mailto:TribalSecretary@oneidanation.org)>; Tehassi Tasi Hill <[thill7@oneidanation.org](mailto:thill7@oneidanation.org)>; Brandon L. Yellowbird-Stevens <[bstevens@oneidanation.org](mailto:bstevens@oneidanation.org)>; Cristina S. Danforth <[cdanfor4@oneidanation.org](mailto:cdanfor4@oneidanation.org)>; Lisa A. Liggins <[liggins@oneidanation.org](mailto:liggins@oneidanation.org)>; Daniel P. Guzman <[dguzman@oneidanation.org](mailto:dguzman@oneidanation.org)>; David P. Jordan <[djordan1@oneidanation.org](mailto:djordan1@oneidanation.org)>; Kirby W. Metoxen <[KMETOX@oneidanation.org](mailto:KMETOX@oneidanation.org)>; Ethel M. Summers <[esummer1@oneidanation.org](mailto:esummer1@oneidanation.org)>; Jennifer A. Webster <[JWEBSTE1@oneidanation.org](mailto:JWEBSTE1@oneidanation.org)>  
**Cc:** Danelle A. Wilson <[dwilson1@oneidanation.org](mailto:dwilson1@oneidanation.org)>; Rhiannon R. Metoxen <[rmetoxe2@oneidanation.org](mailto:rmetoxe2@oneidanation.org)>; Kristal E. Hill <[khill@oneidanation.org](mailto:khill@oneidanation.org)>  
**Subject:** E-POLL REQUEST: Approve the travel request - Secretary Lisa Liggins - Tribal Constitutions Native Nations Institute Seminar - Phoenix, AZ - September 18-20, 2022

## E-POLL REQUEST

-  
**Summary:**



My goals related to this request:

- To get a refresher and the most updated best practices for constitutional changes.
- To network and/or gather some important thoughts/approaches and ideas about what is working in Indian Country and what isn't.

A long term Government Infrastructure need is an understanding of constitutional change and gaining more knowledge and tools in this area is advantageous since we don't have technical support/experts on staff in this area. The BC Area Manager will also be attending.

**Justification for E-Poll:**

**In planning, limited seating on flights have been identified.**

-

**Requested Action:**

**Approve the travel request for Secretary Lisa Liggins to attend the Tribal Constitutions Native Nations Institute Seminar in Phoenix, AZ - September 18-20, 2022**

-

**Deadline for response:**

**Responses are due no later than 4:30 p.m., Friday, August 19, 2022.**

-

**Voting:**

1. Use the voting button above, if available; OR
2. Reply with "Support" or "Oppose".

Aliskwet Ellis

Information Management Specialist

Government Administrative Office

O: 920.869.4408 • E: [cellis1@oneidanation.org](mailto:cellis1@oneidanation.org)

P.O. Box 365 • Oneida, WI • 54155



A good mind. A good heart. A strong fire.

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## Business Committee Agenda Request

1. Meeting Date Requested: 08/18/22

2. Session:

Open     Executive – must qualify under §107.4-1.

Justification: *Choose or type justification.*

3. Requested Motion:

Accept as information; OR

Approve the travel request - Secretary Lisa Liggins - Tribal Constitutions Native Nations Institute Seminar - Phoenix, AZ - September 18-20, 2022

4. Areas potentially impacted or affected by this request:

Finance

Programs/Services

Law Office

MIS

Gaming/Retail

Boards, Committees, or Commissions

Other: *Describe*

5. Additional attendees needed for this request:

*Name, Title/Entity OR Choose from List*

*Name, Title/Entity OR Choose from List*

*Name, Title/Entity OR Choose from List*

*Name, Title/Entity OR Choose from List*

**6. Supporting Documents:**

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Bylaws                 | <input type="checkbox"/> Fiscal Impact Statement | <input type="checkbox"/> Presentation                |
| <input type="checkbox"/> Contract Document(s)   | <input type="checkbox"/> Law                     | <input type="checkbox"/> Report                      |
| <input type="checkbox"/> Correspondence         | <input type="checkbox"/> Legal Review            | <input type="checkbox"/> Resolution                  |
| <input type="checkbox"/> Draft GTC Notice       | <input type="checkbox"/> Minutes                 | <input type="checkbox"/> Rule (adoption packet)      |
| <input type="checkbox"/> Draft GTC Packet       | <input type="checkbox"/> MOU/MOA                 | <input type="checkbox"/> Statement of Effect         |
| <input type="checkbox"/> E-poll results/back-up | <input type="checkbox"/> Petition                | <input checked="" type="checkbox"/> Travel Documents |
| <input type="checkbox"/> Other: <i>Describe</i> |  |  |

**7. Budget Information:**

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Budgeted – Tribal Contribution | <input type="checkbox"/> Budgeted – Grant Funded |
| <input type="checkbox"/> Unbudgeted                                | <input type="checkbox"/> Not Applicable          |
| <input type="checkbox"/> Other: <i>Describe</i>                    |  |

**8. Submission:**

Authorized Sponsor: Lisa Liggins, Secretary

Primary Requestor: (Name, Title/Entity)

### Oneida Business Committee Travel Request

1. OBC Meeting Date Requested: 08 / 24 / 22  e-poll requested

#### 2. General Information:

Event Name: Tribal Consitutions Native Nations Institute Seminar

Event Location: Phoenix, AZ Attendee(s): Lisa Liggins

Departure Date: Sep 18, 2022 Attendee(s):

Return Date: Sep 20, 2022 Attendee(s):

#### 3. Budget Information:

- Funds available in individual travel budget(s)
- Unbudgeted
- Grant Funded or Reimbursed

Cost Estimate: 2331.50

#### 4. Justification:

Describe the justification of this Travel Request:

My goals related to this request:

- To get a refresher and the most updated best practices for constitutional changes.
- To network and/or gather some important thoughts/approaches and ideas about what is working in Indian Country and what isn't.

A long term Government Infrastructure need is an understanding of constitutional change and gaining more knowledge and tools in this area is advantageous since we don't have technical support/experts on staff in this area. The BC Area Manager will also be attending.

#### 5. Submission

Sponsor: Lisa Liggins, Secretary

- 1) Save a copy of this form for your records.
- 2) Print this form as a \*.pdf OR print and scan this form in as \*.pdf.
- 3) E-mail this form and all supporting materials in a **SINGLE** \*.pdf file to: BC\_Agenda\_Requests@oneidanation.org

**REMAKING****Tribal Constitutions**

A NATIVE NATIONS INSTITUTE SEMINAR

**Wild Horse Pass Casino  
September 19 – 20, 2022  
Phoenix, Arizona**

**DAY 1: SEPTEMBER 19, 2022**

LOCATION: Wild Horse Pass Casino

7:45 – 8:30 a.m.	Registration and Breakfast
8:30 – 9:00 a.m.	Opening Prayer, Welcome, and Introductions
9:00 – 9:30 a.m.	Discussion: Why Are You Here?
9:30 – 10:30 a.m.	Session 1: What is a Constitution?
10:30 – 10:45 a.m.	Health Break
10:45 a.m. – Noon	Session 1, Response Activity: “Who’s the We?”
1:00 – 1:30 p.m.	Discussion Summary
Noon – 1:00 p.m.	Lunch
1:30 – 2:15 p.m.	Session 2: What Kind of Constitution Do We Need?
2:15 – 2:30 p.m.	Health Break
2:30 – 3:15 p.m.	Session 2, Response Activity: “What Do We Need?”
3:15 – 4:30 p.m.	Day 1 Discussion & Summary
4:30 p.m.	Adjournment Day 1

**DAY 2: SEPTEMBER 20, 2022**

7:45 – 8:30 a.m.	Registration and Breakfast
8:30 – 9:00 a.m.	Welcome, and Introductions
9:00 – 9:30 a.m.	Discussion: Now What?
9:30 – 10:30 a.m.	Session 3: How Do We Make Change Happen?
10:30 – 10:45 a.m.	Health Break

**NATIVE NATIONS  
INSTITUTE**

Founded by the Udall Foundation  
& the University of Arizona

*Strengthening Indigenous Governance*



**Udall Foundation**  
CIVILITY. INTEGRITY. CONSENSUS

**UDALL CENTER**

# REMAKING

# Tribal Constitutions

A NATIVE NATIONS INSTITUTE SEMINAR

10:45 a.m. – Noon	Session 3, Response Activity: “Making Change Happen”
1:00 – 1:30 p.m.	Discussion Summary
Noon – 1:00 p.m.	Lunch
1:30 – 2:15 p.m.	Session 4: How Do We Live with Our New Constitution?
2:15 – 2:30 p.m.	Health Break
2:30 – 3:15 p.m.	Session 4, Response Activity: What Now?
3:15 – 4:30 p.m.	Day 2 Discussion & Summary
4:30 p.m.	Closing Prayer and Seminar Adjournment

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*Strengthening Indigenous Governance*



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**UDALL CENTER**

**ONEIDA NATION**  
**TRAVEL AUTHORIZATION REQUEST**

**General Travel Information**

Name of Traveler			
<i>Legal name as it appears on Travelers Driver's License or State ID, no nicknames</i>			
Employee Number			
Destination	Phoenix, AZ		
Departure date	09/18/2022	Return date	09/20/2022
Purpose of travel	NNI Seminar Re: Tribal Constitutions		
Charged GL Account			

**GSA (General Services Administration) Rates are linked on SharePoint under Employee Resources**

Per Diem rate per day	\$ 69.00		
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**Cost Estimate Information**

## Personal Automobile Mileage Expenses

Total miles		Multiply by the Mileage rate	\$ .625	\$ 0.00
<b>Description</b>	<b>Rate</b>	<b>Factor</b>	<b>Days</b>	<b>Total</b>
Per Diem for initial travel date	\$ 69.00	0.75	1	\$ 51.75
Per Diem full day at destination	\$ 69.00	1.00	1	\$ 69.00
Per Diem for return travel date	\$ 69.00	0.75	1	\$ 51.75
Subtract included meals				\$ 1.00
Miscellaneous expenses: taxi, parking, fees, etc.				
<b>Sub-Total = Travel Advance</b>				\$ 171.50
Lodging including room, taxes, fees, and hotel parking	\$ 250.00		2	\$ 500.00
Airfare				\$ 750.00
Luggage Fees				\$ 35.00
Car Rental				\$ 25.00
Registration				\$ 350.00
<b>Sub-Total = Virtual Card</b>				\$ 1,660.00
Allowable price adjustment				\$ 500.00
<b>Total Cost Estimate</b>				\$ 2,331.50

I understand this advance will be deducted from my claim for reimbursement of actual travel expenses.  
I also understand that if this advance is not cleared within 10 calendar days after my travel return date, the Nation has the authority to withhold any advanced funds from future wages.

**Signatures / Approvals**

	Signature	Date
Traveler		
Supervisor		

Send all travel related items to: [CentralAccounting\\_Travel@oneidanation.org](mailto:CentralAccounting_Travel@oneidanation.org)

Enter the e-poll results into the record regarding the approved travel request for Councilwoman Marie...

## Business Committee Agenda Request

**1. Meeting Date Requested:** 09/14/22

**2. General Information:**

Session:  Open  Executive – must qualify under §107.4-1.  
Justification: *Choose reason for Executive.*

**3. Supporting Documents:**

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Bylaws                            | <input type="checkbox"/> Fiscal Impact Statement | <input type="checkbox"/> Presentation           |
| <input type="checkbox"/> Contract Document(s)              | <input type="checkbox"/> Law                     | <input type="checkbox"/> Report                 |
| <input type="checkbox"/> Correspondence                    | <input type="checkbox"/> Legal Review            | <input type="checkbox"/> Resolution             |
| <input type="checkbox"/> Draft GTC Notice                  | <input type="checkbox"/> Minutes                 | <input type="checkbox"/> Rule (adoption packet) |
| <input type="checkbox"/> Draft GTC Packet                  | <input type="checkbox"/> MOU/MOA                 | <input type="checkbox"/> Statement of Effect    |
| <input checked="" type="checkbox"/> E-poll results/back-up | <input type="checkbox"/> Petition                | <input type="checkbox"/> Travel Documents       |
| <input type="checkbox"/> Other: <i>Describe</i>            |  |   |

**4. Budget Information:**

- |   |  |                                     |
|---|--|-------------------------------------|
| <input type="checkbox"/> Budgeted       | <input type="checkbox"/> Budgeted – Grant Funded | <input type="checkbox"/> Unbudgeted |
| <input type="checkbox"/> Not Applicable | <input type="checkbox"/> Other: <i>Describe</i>  |                                     |

**5. Submission:**

Authorized Sponsor: Lisa Liggins, Secretary

Primary Requestor: \_\_\_\_\_

Additional Requestor: (Name, Title/Entity)

Additional Requestor: (Name, Title/Entity)

Submitted By: CELLIS1



**From:** [Secretary](#)  
**To:** [Secretary](#); [Tehassi Tasi Hill](#); [Brandon L. Yellowbird-Stevens](#); [Cristina S. Danforth](#); [Lisa A. Liggins](#); [Daniel P. Guzman](#); [David P. Jordan](#); [Kirby W. Metoxen](#); [Ethel M. Summers](#); [Jennifer A. Webster](#)  
**Cc:** [Danelle A. Wilson](#); [Rhiannon R. Metoxen](#); [Kristal E. Hill](#); [BC Agenda Requests](#)  
**Subject:** E-POLL RESULTS: Approve the travel request - Councilwoman Marie Cornelius - WisDOT Inter-tribal Task Force meeting - Carter, WI – September 7-8, 2022  
**Date:** Wednesday, September 7, 2022 4:30:53 PM  
**Attachments:** [BCAR Approve the travel request - Councilwoman Marie Cornelius - WisDOT Inter-tribal Task Force meeting - Carter, WI – September 7-8, 2022.pdf](#)

---

## E-POLL RESULTS

The e-poll approve the travel request for Councilwoman Marie Cornelius to attend the WisDOT Inter-tribal Task Force meeting in Carter, WI – September 7-8, 2022, **has carried**.

Below are the results:

Support: Daniel Guzman King, David P. Jordan, Lisa Liggins, Kirby Metoxen, Brandon Stevens, Jennifer Webster

**Aliskwet Ellis**  
 Information Management Specialist  
 Government Administrative Office  
 O: 920.869.4408 • E: [cellis1@oneidanation.org](mailto:cellis1@oneidanation.org)  
 P.O. Box 365 • Oneida, WI • 54155



A good mind. A good heart. A strong fire.

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---

**From:** Secretary <TribalSecretary@oneidanation.org>  
**Sent:** Tuesday, September 6, 2022 2:58 PM  
**To:** Secretary <TribalSecretary@oneidanation.org>; Tehassi Tasi Hill <thill7@oneidanation.org>; Brandon L. Yellowbird-Stevens <bstevens@oneidanation.org>; Cristina S. Danforth <cdanfor4@oneidanation.org>; Lisa A. Liggins <lliggins@oneidanation.org>; Daniel P. Guzman <dguzman@oneidanation.org>; David P. Jordan <djordan1@oneidanation.org>; Kirby W. Metoxen <KMETOX@oneidanation.org>; Ethel M. Summers <esummer1@oneidanation.org>; Jennifer A. Webster <JWEBSTE1@oneidanation.org>  
**Cc:** Danelle A. Wilson <dwilson1@oneidanation.org>; Rhiannon R. Metoxen <rmetoxe2@oneidanation.org>; Kristal E. Hill <khill@oneidanation.org>  
**Subject:** E-POLL REQUEST: Approve the travel request - Councilwoman Marie Cornelius - WisDOT Inter-tribal Task Force meeting - Carter, WI – September 7-8, 2022

## E-POLL REQUEST

-  
**Summary:**

**Councilwoman Marie Cornelius will be attending the WisDOT Inter-tribal Task Force meeting being held on September 8th in Carter, WI. Councilwoman Cornelius was asked to attend this meeting in person due to being the Co-Chair.**

**Justification for E-Poll:**

**The travel/event is happening prior to next BC meeting on September 14, 2022 and arrangements need to be made as soon as possible.**

**Requested Action:**

**Approve the travel request for Councilwoman Marie Cornelius to attend the WisDOT Inter-tribal Task Force meeting in Carter, WI – September 7-8, 2022**

**Deadline for response:**

**Responses are due no later than 4:30 p.m., Wednesday, September 7, 2022.**

**Voting:**

1. Use the voting button above, if available; OR
2. Reply with “Support” or “Oppose”.

Aliskwet Ellis

Information Management Specialist

Government Administrative Office

O: 920.869.4408 • E: [cellis1@oneidanation.org](mailto:cellis1@oneidanation.org)

P.O. Box 365 • Oneida, WI • 54155



A good mind. A good heart. A strong fire.

*CONFIDENTIALITY NOTICE: This message and any included attachments are intended only for the addressee. This message may contain privileged, confidential, or proprietary information. Unauthorized forwarding, printing, copying, distribution, or use of such information is strictly prohibited and may be unlawful. If you have received this message in error, please inform us promptly by reply e-mail, then delete the e-mail and destroy any printed copy.*

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## Business Committee Agenda Request

**1. Meeting Date Requested:** 09/14/22

**2. Session:**

Open     Executive – must qualify under §107.4-1.

Justification: *Choose or type justification.*

**3. Requested Motion:**

Accept as information; OR

Epoll Request – Requested action to attend the WisDOT Inter-Tribal Task Force (ITTF) Meeting in Carter, Wisconsin - September 7th - 8th, 2022

**4. Areas potentially impacted or affected by this request:**

Finance

Programs/Services

Law Office

MIS

Gaming/Retail

Boards, Committees, or Commissions

Other: *Describe*

**5. Additional attendees needed for this request:**

*Name, Title/Entity OR Choose from List*

*Name, Title/Entity OR Choose from List*

*Name, Title/Entity OR Choose from List*

*Name, Title/Entity OR Choose from List*

**6. Supporting Documents:**

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Bylaws                 | <input type="checkbox"/> Fiscal Impact Statement | <input type="checkbox"/> Presentation           |
| <input type="checkbox"/> Contract Document(s)   | <input type="checkbox"/> Law                     | <input type="checkbox"/> Report                 |
| <input type="checkbox"/> Correspondence         | <input type="checkbox"/> Legal Review            | <input type="checkbox"/> Resolution             |
| <input type="checkbox"/> Draft GTC Notice       | <input type="checkbox"/> Minutes                 | <input type="checkbox"/> Rule (adoption packet) |
| <input type="checkbox"/> Draft GTC Packet       | <input type="checkbox"/> MOU/MOA                 | <input type="checkbox"/> Statement of Effect    |
| <input type="checkbox"/> E-poll results/back-up | <input type="checkbox"/> Petition                | <input type="checkbox"/> Travel Documents       |
| <input type="checkbox"/> Other: <i>Describe</i> |  |   |

**7. Budget Information:**

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Budgeted – Tribal Contribution      | <input type="checkbox"/> Budgeted – Grant Funded |
| <input type="checkbox"/> Unbudgeted                                     | <input type="checkbox"/> Not Applicable          |
| <input checked="" type="checkbox"/> Other: Room paid for by WisDOT ITTF |  |

**8. Submission:**

Authorized Sponsor: Marie Cornelius, Councilmember

Primary Requestor: *Name, Title/Entity*

### Oneida Business Committee Travel Request

1. OBC Meeting Date Requested: 09 / 14 / 22  e-poll requested

2. General Information:

Event Name: WisDOT ITTF Meeting - Carter, WI - September 7th - 8th, 2022

Event Location: Carter, WI Attendee(s): Marie Cornelius, Councilmember

Departure Date: Sep 7, 2022 Attendee(s):

Return Date: Sep 8, 2022 Attendee(s):

3. Budget Information:

- Funds available in individual travel budget(s)
- Unbudgeted
- Grant Funded or Reimbursed

Cost Estimate: Approximately \$300

4. Justification:

Describe the justification of this Travel Request:

Marie serves as the co-chair of this committee and the other co-chair requested she attend in-person to represent. Initially Marie was going to join on Zoom; however, the ITTF committee requested at the last minute she attend in person.

5. Submission

Sponsor: Marie Cornelius, Councilmember

- 1) Save a copy of this form for your records.
- 2) Print this form as a \*.pdf OR print and scan this form in as \*.pdf.
- 3) E-mail this form and all supporting materials in a **SINGLE** \*.pdf file to: BC\_Agenda\_Requests@oneidanation.org



**Wisconsin Department of Transportation**  
**Inter-Tribal Task Force**



(<https://wisdottribaltaskforce.org/>)

## About ITTF

### Inter-Tribal Task Force Mission Statement

It is the mission of the Wisconsin Department of Transportation Inter-Tribal Task Force (ITTF) to articulate and facilitate a clear direction in joint transportation systems between each of Wisconsin's 11 Federally recognized Indian Tribes and the Wisconsin Department of Transportation (WisDOT).

### Inter-Tribal Task Force Vision Statement

It is the vision of the WisDOT ITTF to serve the 11 Federally recognized Indian Tribes and the Wisconsin Department of Transportation by:

- Developing collective strategic transportation goals
- Evaluating transportation policy with particular attention to Tribal impacts
- Creating "best practices" statements regarding interactions between the Tribes and WisDOT
- Facilitating the development of memorandum of understanding that promote cooperative efforts between the Tribes and WisDOT

### Inter-Tribal Task Force Goals

The Wisconsin Department of Transportation Inter-Tribal Task Force has established the following goals:

- Conduct bi-monthly meetings at various Tribal sites around the State of Wisconsin
  - Encourage Tribal participation in transportation related data collection efforts
  - Identify and support "best practices" when working with Tribal entities
  - Facilitate communication between the Tribes and the WisDOT
-

## ITTF Work Teams

The ITTF established five subcommittees charged with addressing specific transportation issues identified in the 2015 Work Plan. The subcommittees were restructured as Work Teams, and the 2019 Work Plan will continue to utilize same Work Team structures as applied previously. The following outlines each Work Team and their primary functions.

- **Safety and Signage** – (<https://wisdottribaltaskforce.org/safetysignage/about-safetysignage/>)
  - Safety Plans / Audits
  - Safety Summit
  - Safety Campaigns
  - Safety Assessments
  - Signage
- **Real Estate and Jurisdiction** – (<https://wisdottribaltaskforce.org/real-estatejurisdictional/about-real-estate-jurisdictional/>)
  - Real Estate Training
  - ROW Issues
  - Project Specific Jurisdiction
- **Transit** – (<https://wisdottribaltaskforce.org/transit/about-transit/>)
  - Transit Outreach
  - Training
  - Funding and Peer-To-Peer Programs
  - FTA
- **Labor and Business** – (<https://wisdottribaltaskforce.org/labor-business/about-labor-business/>)
  - DBEs
  - Tribal Business
  - Capacity Building
  - TERO
  - Native American Hiring Provision
  - Labor
  - Native American DBE Webinars (<https://wisdottribaltaskforce.org/nadbewebinars/>)
  - Tribal Enterprise Certification Webinars (<https://wisdottribaltaskforce.org/tribal-enterprise-certification-webinars/>)
- **Shared Resources** –
  - Training
  - Events

- Conferences / Summit
    - Wisconsin Tribal Transportation Conference (WTTC)  
(<https://wisdottribaltaskforce.org/wttc-2020/>).
  - Website Development
  - Information Sharing
- 

**Tribal Transportation Survey Report (<https://wisdottribaltaskforce.org/wp-content/uploads/2015/09/Tribal-Transportation-Survey-Report-NR.pdf>)**

In an effort to get a better understanding of Tribal transportation training needs, WISDOT and ITTF created a survey that was distributed to the 11 federally recognized Tribes.

In addition to the paper survey, tribes were offered the opportunity to complete the survey online as well. The paper surveys that were completed were also entered into the online survey, which was used as the central repository for all responses. The online survey can be found at <https://www.surveymonkey.com/r/WisITTF> (<https://www.surveymonkey.com/r/WisITTF>).

The report summarizes the results of the WisDOT ITTF Tribal Transportation Planning Survey.

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**Travel Reimbursement Voucher - Revised Sept 2017 (<https://wisdottribaltaskforce.org/wp-content/uploads/2015/09/Travel-Reimbursement-Voucher-Revised-Sept-2017.pdf>)**

---

**Contact:**

**Tara L. Chapman** (<mailto:Tara.Chapman@ho-chunk.com>),

WisDOT - IFFT Coordinator

Intergovernmental Agreement Administrator

Ho-Chunk Nation Legislature

W9814 Airport Road

PO Box 667

Black River Falls, WI

800-294-9343, ext. 11160





## Save the Dates - 2022 ITTF Meeting Schedule and Links

IWWI\$odqqlqj#P wj# Second Thursday of even months	<b>ITTF MEETING</b> SECOND THURSDAY OF ODD MONTHS #	Vxep lwlrqv#G hdgdqh#
December 9 Join Zoom Meeting <a href="https://us02web.zoom.us/j/86165120678">https://us02web.zoom.us/j/86165120678</a>	January 13 Join Zoom Meeting <a href="https://us02web.zoom.us/j/89489926695">https://us02web.zoom.us/j/89489926695</a>	January 6, 2022 <a href="https://drive.google.com/drive/folders/1KOe1IMA6G3 htUEG6RZ05YQsg4-sAljd?usp=sharing">https://drive.google.com/drive/folders/1KOe1IMA6G3 htUEG6RZ05YQsg4-sAljd?usp=sharing</a>
February 10 Join Zoom Meeting <a href="https://us02web.zoom.us/j/86165120678">https://us02web.zoom.us/j/86165120678</a>	March 10 Join Zoom Meeting <a href="https://us02web.zoom.us/j/89489926695">https://us02web.zoom.us/j/89489926695</a>	March 3, 2002 <a href="https://drive.google.com/drive/folders/16JPtrcU-26nSbTijXPaeNSq9DJSQ4MJ4?usp=sharing">https://drive.google.com/drive/folders/16JPtrcU-26nSbTijXPaeNSq9DJSQ4MJ4?usp=sharing</a>
April 14 Join Zoom Meeting <a href="https://us02web.zoom.us/j/86165120678">https://us02web.zoom.us/j/86165120678</a>	May 12 Join Zoom Meeting <a href="https://us02web.zoom.us/j/89489926695">https://us02web.zoom.us/j/89489926695</a>	May 5, 2022 <a href="https://drive.google.com/drive/folders/1TL1IGvNxG66tTNzWWRxmdZ9u03FdqLYI?usp=sharing">https://drive.google.com/drive/folders/1TL1IGvNxG66tTNzWWRxmdZ9u03FdqLYI?usp=sharing</a>
June 9 Join Zoom Meeting <a href="https://us02web.zoom.us/j/86165120678">https://us02web.zoom.us/j/86165120678</a>	July 14 Join Zoom Meeting <a href="https://us02web.zoom.us/j/89489926695">https://us02web.zoom.us/j/89489926695</a>	July 7, 2022 <a href="https://drive.google.com/drive/folders/1UBxreHxqMuFyUOp9 8RYI3wHhdx1O25f?usp=sharing">https://drive.google.com/drive/folders/1UBxreHxqMuFyUOp9 8RYI3wHhdx1O25f?usp=sharing</a>
August 11 Join Zoom Meeting <a href="https://us02web.zoom.us/j/86165120678">https://us02web.zoom.us/j/86165120678</a>	September 8 Join Zoom Meeting <a href="https://us02web.zoom.us/j/89489926695">https://us02web.zoom.us/j/89489926695</a>	September 1, 2022 <a href="https://drive.google.com/drive/folders/1NXu3XKZDlkGiPnMuio87rVyzJpcnx0yw?usp=sharing">https://drive.google.com/drive/folders/1NXu3XKZDlkGiPnMuio87rVyzJpcnx0yw?usp=sharing</a>
October 13 Join Zoom Meeting <a href="https://us02web.zoom.us/j/86165120678">https://us02web.zoom.us/j/86165120678</a>	<b>HO-CHUNK GAMING WI DELLS</b> <b>ITTF October 24, 2022</b> <b>WTTC October 25-26, 2022</b>	

Note: There is a dedicated google shared folder for each meeting; information can be uploaded by the deadline to be disbursed on time.



<b>ITTF MEETING- HYBRID</b> <small>SECOND THURSDAY OF ODD MONTHS</small>	Host location
January 13 Join Zoom Meeting <a href="https://us02web.zoom.us/j/89489926695">https://us02web.zoom.us/j/89489926695</a>	<b>Virtual</b>
March 10 Join Zoom Meeting <a href="https://us02web.zoom.us/j/89489926695">https://us02web.zoom.us/j/89489926695</a>	<b>Oneida</b> <b>Radisson</b>
May 12 Join Zoom Meeting <a href="https://us02web.zoom.us/j/89489926695">https://us02web.zoom.us/j/89489926695</a>	<b>Lac Du Flambeau</b> <b>Lake of the Torches</b>
July 14 Join Zoom Meeting <a href="https://us02web.zoom.us/j/89489926695">https://us02web.zoom.us/j/89489926695</a>	<b>Red Cliff</b> <b>Legendary Waters</b>
September 8 Join Zoom Meeting <a href="https://us02web.zoom.us/j/89489926695">https://us02web.zoom.us/j/89489926695</a>	<b>Forrest County</b> <b>Carter</b>
<b>WWTC Last Week October 25-26, 2022</b>	<b>Ho-Chunk Gaming WI DELLS</b>

Ratify the Memorandum of Agreement between the Oneida Gaming Commission, the Gaming General...

---

## Business Committee Agenda Request

1. **Meeting Date Requested:** 9/14/22

2. **Session:**

Open     Executive – must qualify under §107.4-1.

Justification: *Choose or type justification.*

3. **Requested Motion:**

Accept as information; OR Enter the requested motion related to this item.

Motion to ratify the MOA between OGC, GGM, and ISD in accordance with § 501.9-2

4. **Areas potentially impacted or affected by this request:**

Finance

Programs/Services

Law Office

MIS

Gaming/Retail

Boards, Committees, or Commissions

Other:

5. **Additional attendees needed for this request:**

*Name, Title/Entity OR Choose from List*

**6. Supporting Documents:**

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Bylaws                 | <input type="checkbox"/> Fiscal Impact Statement | <input type="checkbox"/> Presentation           |
| <input type="checkbox"/> Contract Document(s)   | <input type="checkbox"/> Law                     | <input type="checkbox"/> Report                 |
| <input type="checkbox"/> Correspondence         | <input type="checkbox"/> Legal Review            | <input type="checkbox"/> Resolution             |
| <input type="checkbox"/> Draft GTC Notice       | <input type="checkbox"/> Minutes                 | <input type="checkbox"/> Rule (adoption packet) |
| <input type="checkbox"/> Draft GTC Packet       | <input checked="" type="checkbox"/> MOU/MOA      | <input type="checkbox"/> Statement of Effect    |
| <input type="checkbox"/> E-poll results/back-up | <input type="checkbox"/> Petition                | <input type="checkbox"/> Travel Documents       |
| <input type="checkbox"/> Other:                 |  |   |

**7. Budget Information:**

- |   |  |
|---|--|
| <input type="checkbox"/> Budgeted – Tribal Contribution | <input type="checkbox"/> Budgeted – Grant Funded   |
| <input type="checkbox"/> Unbudgeted                     | <input checked="" type="checkbox"/> Not Applicable |
| <input type="checkbox"/> Other:                         |  |

**8. Submission:**

Authorized Sponsor: Mark A. Powless, SR., Chair/ OGC

Primary Requestor: Paula Rippl, Administrative Assistant OGC



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Oneida Gaming Commission  
P.O. Box 79  
Oneida, WI. 54155  
1-800-497-5897  
(920) 497-5850  
FAX: (920) 490-8048

Date: 8-24-22

Re: MOA

In accordance with ONGO **501.9. Gaming Security Department**, 501.9-2. *Reporting*. The Internal Security Director, Gaming General Manager and Commission shall enter into an agreement, subject to ratification by the Oneida Business Committee, describing their responsibilities and reporting requirements under this Ordinance. The Oneida Gaming Commission submits the following MOA.

Mark A. Powless Sr.  
Oneida Gaming Commission Chairman

CC: Reynold Danforth, Vice Chair  
Michelle Braatn  
Jonas Hill

## MEMORANDUM OF AGREEMENT

This Memorandum of Agreement is entered into by Oneida Gaming Commission ("Commission"), Oneida Security Department ("Security"), and Gaming General Manager ("GGM"). Commission, Security, and GGM shall be referred to collectively as "entities" or "parties."

The purpose of this Agreement is to establish an effective, efficient, and harmonious working relationship between the entities. This Agreement clarifies responsibilities and reporting relationships between the entities.

1. Commission and Security shall abide by the provisions of the Oneida Gaming Ordinance, Tribal Laws, Codes, Ordinances, and State and Federal Regulations.
2. Security shall be responsible for Investigations related to gaming operations such as:
  - A. Variances within games.
  - B. Involving employees and patrons within Gaming.
  - C. Requested assistance and/or investigations from representatives outside of Gaming
3. Commission, Security, and the GGM shall meet quarterly to discuss matters of concern between the entities. Any of the entities may request a special meeting as deemed necessary based on the circumstances.
4. Reports.
  - A. Special reports may be submitted to the Commission based upon the seriousness of the incident as determined by the Security Director.
  - B. Security Monthly Reports. The Security director will submit monthly reports to the Commission and Gaming General Manager. The Commission shall assign cases to the Commission investigators based upon Security monthly or special reports. The Commission Chairperson shall submit in writing to Security cases that have been assigned to Commission Investigators at least once a month
5. The Commission and Security shall provide advance notice for review of closed case files.
6. Communication and requests shall be made in writing and addressed to the Commission chairperson and the Security director with a carbon copy to the GGM and the assigned designee, if any.
7. The security director shall make case referrals to the Commission that may include possible gaming license violations.

Examples of such license violations may include such items as:

  - A. Felonies related to fraud, theft, embezzlement, etc., or gaming related offenses
  - B. Other Felonies including drug related offenses
  - C. Misdemeanors related to fraud, theft, misrepresentation, or gaming related offenses including drug related offenses.
  - D. Ordinance violations related to fraud, theft, gaming related offenses or terminations pursuant to a personnel policy including felony drug related offenses.
  - E. Employees on Investigative or Administrative Leave as related to fraud, theft, embezzlement, etc., or gaming related offenses or felony drug charges.
  - F. Suitability includes prior activities, criminal record reputation, associations, etc.

- 8. Complaints filed and received will be routed to the Commission, Security and/or the GGM depending against whom the complaint is made. Each entity must follow the appropriate complaint procedure when it receives a complaint.
- 9. The Commission Chairperson or Security Director may request the assistance of each other's investigative staff to assist with an investigation that may require specific expertise, additional manpower, or pose a conflict of interest with either entity. If both entities have a conflict, the parties shall contact the necessary departments as deemed appropriate by the Commission chairperson and Security director.
- 10. Disputes involving responsibilities and jurisdiction between the Commission chairperson, GGM, and Security director shall be resolved in a joint meeting at the written request of either party. The meeting date will be established within thirty (30) days of written request.

Entered this date between the below signed parties as representatives of the Oneida Gaming Commission Chairperson, Security Director, and Gaming General Manager.

*Mark Powless Sr.*

08/23/22

Mark A. Powless Sr., Gaming Commission Chairperson

Date

*Louise Cornelius*

Louise Cornelius, Gaming General Manager

8.23.22

Date

*Katsi Danforth #3404*

Katsi Danforth, Security Director

8/23/22

Date

Approve a limited waiver of sovereign immunity - Brown County Hazardous Waste Facility...

---

## Business Committee Agenda Request

1. Meeting Date Requested: 09/14/22

2. Session:

Open     Executive – must qualify under §107.4-1.

Justification: *Choose or type justification.*

3. Requested Motion:

Accept as information; OR

*Enter the requested motion related to this item.*

4. Areas potentially impacted or affected by this request:

Finance

Programs/Services

Law Office

MIS

Gaming/Retail

Boards, Committees, or Commissions

Other: *Describe*

5. Additional attendees needed for this request:

Mark W. Powless, General Manager

*Name, Title/Entity OR Choose from List*

*Name, Title/Entity OR Choose from List*

*Name, Title/Entity OR Choose from List*



**6. Supporting Documents:**

- Bylaws
- Contract Document(s)
- Correspondence
- Draft GTC Notice
- Draft GTC Packet
- E-poll results/back-up
- Other: *Describe*
- Fiscal Impact Statement
- Law
- Legal Review
- Minutes
- MOU/MOA
- Petition
- Presentation
- Report
- Resolution
- Rule (adoption packet)
- Statement of Effect
- Travel Documents

**7. Budget Information:**

- Budgeted – Tribal Contribution
- Unbudgeted
- Other: *Describe*
- Budgeted – Grant Funded
- Not Applicable

**8. Submission:**

Mark W. Powless Digitally signed by Mark W. Powless  
Date: 2022.08.25 11:25:13 -05'00'

Authorized Sponsor: Mark W. Powless, General Manager

Primary Requestor: Nicole Rommel, EHSLA Division Director



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## MEMORANDUM

To: Oneida Business Committee  
From: Victoria Flowers, EHSLA  
RE: Oneida-Brown County Hazardous Waste Facility - Intergovernmental Agreement  
Date: August 22, 2022

This memo accompanies a request to the Oneida Business Committee to review and approve the 5 year intergovernmental agreement with the Brown County, Port and Solid Waste Authority to provide financial support to sustain the operations at the Hazardous Waste Facility in return for preferred pricing for disposal of hazardous and electronic waste. This is a similar agreement to the one which expired on December 31, 2021. This agreement, which was reviewed by the Oneida Law Office, as with the last one, contains a waiver of sovereign immunity. We are requesting the Oneida Business Committee to approve this agreement to maintain a continuity of services.

**ONEIDA LAW OFFICE***CONFIDENTIAL: ATTORNEY/CLIENT WORK PRODUCT*

TO: Jacy A. Rasmussen  
Environmental Health & Safety

*Use this number on future correspondence:*

FROM: James R. Bittorf, Deputy Chief Counsel

**2022-0464**

**James R. Bittorf** Digitally signed by James R. Bittorf  
Date: 2022.06.13 15:19:08 -05'00'

DATE: June 13, 2022

RE: Brown County-Intergovernmental Agreement for the  
Oneida Nation Contribution to Brown County  
Household Hazardous Waste Facility

*Purchasing Department Use*

\_\_\_\_\_ **Contract Approved**

\_\_\_\_\_ **Contract Not Approved**

*(see attached explanation)*

---

*If you have any questions or comments regarding this review, please call 869-4327.*

The attached agreement, contract, policy and/or guaranty has been reviewed by the Oneida Law Office for legal content only. Please note the following:

1. Please confirm that this activity complies with the Public Health Declaration and any orders issued by the COVID-19 Decision Making Team and/or Public Health Officer.
  2. Please review for compliance with the current budget resolution prior to entering into said contract.
- ✓ The document is in appropriate legal form. *(Execution is a management decision.)*
  - ✓ Intergovernmental agreement Requires Business Committee approval prior to execution. Also, agreement contains a waiver of sovereign immunity which requires Business Committee approval. Specifically, paragraph 6 states, "All Parties to this Agreement hereby subject themselves to the jurisdiction of the Courts of Brown County, Wisconsin."

**INTERGOVERNMENTAL AGREEMENT FOR  
THE ONEIDA NATION  
CONTRIBUTION TO BROWN COUNTY HOUSEHOLD  
HAZARDOUS WASTE FACILITY**

This Agreement (“Agreement”) is made as of the last date of execution set forth opposite any signature hereto, between **THE ONEIDA NATION** (“Oneida Nation”), and **BROWN COUNTY** (“Brown County”), a quasi-municipal corporation, organized pursuant to Chapter 59 of the Wisconsin Statutes, with business offices located at 305 E. Walnut Street, Green Bay, Wisconsin 54301. Hereinafter, Oneida Nation and Brown County may be referred to collectively as “Parties” and singularly as “Party.”

**RECITALS**

**WHEREAS**, Brown County, acting through the Brown County Solid Waste Board (“Board”), has owned and operated a Household Hazardous Waste Collection Facility (“Facility”) since 1996; and

**WHEREAS**, Brown County, Green Bay Metropolitan Sewer District (GBMSD), the Oneida Nation (“Oneida Nation”), and other participating municipalities located in Brown County, Wisconsin contributed to the costs for construction of the Facility in 1996 and for its operation and maintenance since that time; and

**WHEREAS**, Brown County and the Oneida Nation desire to continue to operate the Facility.

**NOW, THEREFORE**, in consideration of the Recitals above, which are true, correct and incorporated herein, and the mutual promises and agreements hereinafter described and for other good and valuable consideration, the parties agree as follows:

1. **Operation of Facility.** Brown County shall continue operation of the Facility until December 31, 2027 (“Operational Term”), unless terminated sooner.
2. **Oneida Nation Contribution to Operation and Maintenance of Facility.** The term of this Agreement between Brown County and the Oneida Nation shall be for five (5) years commencing March 1, 2022. During each calendar year of the Operational Term, a contribution amount is to be made on or before March 1 of each year. The Oneida Nation's

contribution for the operation and maintenance expenses of the Facility shall be Fifteen Thousand Five Hundred Dollars (\$15,500) for 2022. The Oneida Nation's contributions for the years following 2022, during the Operational Term, shall be equal to the previous year's contribution adjusted to reflect any annual increase in the June Consumer Price Index for all Urban Wage Earners and Clerical Workers (CPI-W), Midwest Urban Area, not to exceed 3% in any given year.

3. **Contribution by Other Municipalities.** During the Operational Term, Brown County shall use its best efforts to obtain contributions to the operation and maintenance of the Facility from municipalities in Brown County that are not members of GBMSD or the Oneida Nation.
4. **No Partnership or Joint Venture.** Brown County shall be responsible for operation of the Facility, including the receipt and disposal of household hazardous waste accepted at the Facility. The Oneida Nation shall have no obligation in connection with operation of the Facility other than making the contributions referred to in Paragraphs 2, and 3 above, and as otherwise noted in this Agreement. This Agreement shall not be interpreted as a partnership or joint venture between Brown County and the Oneida Nation for operation of the Facility. The Oneida Nation does not assume any liability for claims or damages arising out of Brown County's operation of the Facility.
5. **Use of Facility.** During the Operational Term, Brown County shall allow Oneida Nation members to use the Facility pursuant to the rules of said Facility and those promulgated by the Board.
6. **Choice of Law.** This Agreement shall be deemed to have been made in Brown County, Wisconsin and shall be governed by, construed under and enforced in accordance with the law of the State of Wisconsin, except as otherwise provided herein. All actions or proceedings relating directly or indirectly, to this Agreement whether sounding in contract or tort, shall be litigated in the Courts of Brown County, Wisconsin. All Parties to this Agreement hereby subject themselves to the jurisdiction of the Courts of Brown County, Wisconsin.
7. **Termination.** Either Party may terminate this Agreement for any reason with one year prior

written notice to the other Party without further obligation or penalty. Either Party may terminate this Agreement due to breach of any term of this Agreement with thirty (30) days written notice to the other Party. The non-breaching Party may allow a right to cure, and shall state such right in writing, setting forth the terms of said right to cure, if it is deemed reasonable by the non-breaching Party.

8. **Assignment.** The rights and obligations of the Parties under this Agreement are personal as between them, and they may not be assigned, transferred or conveyed in any manner by either Party without the prior written consent of the other Party.
9. **Waiver.** Waiver by either Party of a breach or a violation of any provision or term of this Agreement shall not be construed to be a waiver of any subsequent breach.
10. **Notice.** Any and all notices and demands shall be in writing delivered in person or by first class mail, registered or certified, postage paid, return receipt requested, or delivered by a recognized overnight carrier service with proof of delivery and addressed to the appropriate party as follows:

**The Oneida Nation ("Oneida Nation"):**

Name and title: Nicole Rommel, Director – Environmental, Health, Safety, Land & Agriculture Division  
Address: N7332 Water Circle Place  
Oneida, WI 54  
Phone: 920-869-4590  
Email: [nrommel@oneidanation.org](mailto:nrommel@oneidanation.org)

**BROWN COUNTY:**

Name and title: Dean Haen, Director  
Address: 2561 South Broadway  
Green Bay, WI 54304  
Phone: 920-492-4953  
Email: [dean.haen@browncounty.wi.gov](mailto:dean.haen@browncounty.wi.gov)

All other correspondence may be sent by regular mail addressed as noted above.

At any time either Party may change the contact information by sending notice as stated above to the other Party.

- 12. **Severability.** The provisions of this Agreement are severable and if any provision is found to be invalid, unenforceable, or void by a court of competent jurisdiction, the remainder of the Agreement shall remain in full force and effect and shall not be affected, impaired or invalidated unless the effect of holding the provision invalid, unenforceable or void defeats the entire purpose of the Agreement.
- 13. **Binding Effect.** This Agreement is binding upon the Parties hereto, and their respective parents, subsidiaries, predecessors, successors, assigns, representatives, principals, agents, officers, directors, and employees, but only if assignment approved in writing and signed by duly authorized representatives of the Parties.
- 14. **Headings.** The headings used in this Agreement are inserted for convenience only and shall not constitute a part hereof. If a conflict exists as to the heading and text, the text shall control.
- 15. **Entire Agreement.** This Agreement is the entire agreement between the undersigned Parties and shall only be modified, changed or amended in writing and signed by duly authorized representatives of each Party, which amendment expressly states that it is the intention of the Parties to amend this Agreement.
- 16. **Acknowledgment.** The undersigned, by execution hereof, acknowledge that they have read and understand this Agreement, fully agree to each and every provision hereof, and are authorized to sign the Agreement.

**Brown County**

**Oneida Nation**

\_\_\_\_\_  
Troy Streckenbach (Date)  
Brown County Executive

\_\_\_\_\_  
Nicole Rommel (Date)  
Director

Approve two (2) actions regarding the USDA FDPIR Joint Demonstration Project

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## Business Committee Agenda Request

**1. Meeting Date Requested:** 09/14/22

**2. Session:**

Open     Executive – must qualify under §107.4-1.

Justification: Proprietary - trade secrets/commercial/financial

**3. Requested Motion:**

Accept as information; OR

Approve Addendum #1 to Sub-Award Contract (file #2021-0726) and Addendum #1 to MOA (file #2021-0724) with Menominee Indian Tribe of WI for the USDA FDPIR Joint Demonstration Project, and authorize Chairman to sign the addendums.

**4. Areas potentially impacted or affected by this request:**

Finance

Programs/Services

Law Office

MIS

Gaming/Retail

Boards, Committees, or Commissions

Other: *Describe*

**5. Additional attendees needed for this request:**

*Name, Title/Entity OR Choose from List*

*Name, Title/Entity OR Choose from List*

*Name, Title/Entity OR Choose from List*

*Name, Title/Entity OR Choose from List*



**6. Supporting Documents:**

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Bylaws                          | <input type="checkbox"/> Fiscal Impact Statement | <input type="checkbox"/> Presentation           |
| <input checked="" type="checkbox"/> Contract Document(s) | <input type="checkbox"/> Law                     | <input checked="" type="checkbox"/> Report      |
| <input type="checkbox"/> Correspondence                  | <input checked="" type="checkbox"/> Legal Review | <input type="checkbox"/> Resolution             |
| <input type="checkbox"/> Draft GTC Notice                | <input type="checkbox"/> Minutes                 | <input type="checkbox"/> Rule (adoption packet) |
| <input type="checkbox"/> Draft GTC Packet                | <input checked="" type="checkbox"/> MOU/MOA      | <input type="checkbox"/> Statement of Effect    |
| <input type="checkbox"/> E-poll results/back-up          | <input type="checkbox"/> Petition                | <input type="checkbox"/> Travel Documents       |
| <input type="checkbox"/> Other: <i>Describe</i>          |  |   |

**7. Budget Information:**

- |   |   |
|---|---|
| <input type="checkbox"/> Budgeted – Tribal Contribution | <input checked="" type="checkbox"/> Budgeted – Grant Funded |
| <input type="checkbox"/> Unbudgeted                     | <input type="checkbox"/> Not Applicable                     |
| <input type="checkbox"/> Other: <i>Describe</i>         |   |

**8. Submission:**

Authorized Sponsor: Melinda J. Danforth, Intergovernmental Affairs Director

Primary Requestor: Brandon Wisneski, Interim Self Governance Manager

# Memorandum

To: Oneida Business Committee  
From: Brandon Wisneski, Interim Self-Governance Manager  
Date: September 14, 2022  
Re: USDA FDPIR Joint Demonstration Project – Addendum #1 to Sub-Award Contract and Addendum #1 to MOA between Oneida Nation and Menominee Indian Tribe of WI

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## Background

On October 13, 2021, the Oneida Business Committee approved the FDPIR Joint Demonstration Project agreement with the USDA and the MOU and Sub-award contract with Menominee Indian Tribe of Wisconsin (MITW). This demonstration project allows the Oneida and Menominee Food Distribution programs to substitute USDA products with local and indigenous products, including Oneida Nation bison, beef and apples.

The USDA originally awarded 12 months of funding for this demonstration project. On March 31, 2022, the USDA notified the Oneida and Menominee FDPIR teams that we had an opportunity to request budget modifications and a 12-month extension of the demonstration project. With this extension opportunity, we were able request an additional 12 months of funding, and modify our budgets based on changing prices, demand and inflation. Menominee and Oneida submitted their proposal on April 22, 2022.

On June 9, 2022, the USDA and BIA notified Oneida and Menominee that the extension and modification requests were tentatively approved, and we will receive an additional 12 months of funding, as well as authority and funding to add a new fish product – walleye – to our program. The total net increase to the joint project is \$251,000. Self-Governance, the joint FDPIR team and the USDA and BIA have worked on updating the contract documents to reflect this extension.

On August 24, 2022, the Oneida Business Committee approved the extension of the USDA FDPIR Joint Demonstration Project. Per our MOA with Menominee, the award will be received by Menominee, and Oneida's portion of the award distributed to us by sub-award contract.

The Oneida and Menominee FDPIR teams have met and negotiated an addendum to our current sub-award contract to reflect this additional funding. We have also developed an addendum to the MOA between Oneida and Menominee to update the “designated representatives” section to reflect changes in staff.

## Requested Action:

Approve Addendum #1 to Sub-Award Contract (file #2021-0726) and Addendum #1 to MOA (file #2021-0724) with Menominee Indian Tribe of WI for the USDA FDPIR Joint Demonstration Project, and authorize Chairman to sign the addendums.

**ONEIDA LAW OFFICE***CONFIDENTIAL: ATTORNEY/CLIENT WORK PRODUCT*

TO: Brandon M. Wisneski  
Self Governance

*Use this number on future correspondence:*

FROM: James R. Bittorf, Deputy Chief Counsel

**2021-0726**

**James R. Bittorf** Digitally signed by James R. Bittorf  
Date: 2022.08.31 08:24:17 -05'00'

DATE: August 31, 2022

RE: Menominee Indian Tribe of Wisconsin-USDA Sub-Award – Addendum #1

<p><i>Purchasing Department Use</i></p> <p><b>Contract Approved</b></p> <p>_____</p> <p><b>Contract Not Approved</b></p> <p>_____</p> <p><i>(see attached explanation)</i></p>
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*If you have any questions or comments regarding this review, please call 869-4327.*

The attached agreement, contract, policy and/or guaranty has been reviewed by the Oneida Law Office for legal content only. Please note the following:

1. Please confirm that this activity complies with the Public Health Declaration and any orders issued by the COVID-19 Decision Making Team and/or Public Health Officer.
2. Please review for compliance with the current budget resolution prior to entering into said contract.

- ✓ The document is in appropriate legal form. *(Execution is a management decision.)*
- ✓ Intergovernmental agreement requires Business Committee approval prior to execution.

**Sub-Award Contract between the  
Menominee Indian Tribe of Wisconsin  
and the Oneida Nation  
Addendum #1**

**BETWEEN:** **MENOMINEE INDIAN TRIBE OF WISCONISN**  
(Hereinafter referred to as the “Menominee”)

Located at: P.O. Box 910  
Keshena, WI 54135

**AND:** **ONEIDA NATION**  
(Hereinafter referred to as “Oneida”)

Located at: P.O. Box 365  
Oneida, WI 54155

**WITNESSTH THAT:**

**WHEREAS**, Menominee and Oneida (the “Parties”) have established a Joint 2018 Farm Bill Demonstration Project funded by the United States Department of Agriculture (“Joint Project”), and have entered into a Memorandum of Agreement and Sub-Award Contract in furtherance of the Joint Project; and

**WHEREAS**, Menominee received the initial award regarding the Joint Project, and pursuant to the Sub-Award Contract payed to Oneida their share equaling \$162,468.76; and

**WHEREAS**, Menominee and Oneida have applied for and have been approved for additional funding for the Joint Project, and the Parties wish to Amend the Sub-Award Contract to allow for payment from Menominee to Oneida of Oneida’s share of such additional funding;

**NOW THEREFORE**, in consideration of promises and mutual covenants and agreements, the parties hereby agree to amend the Agreement Terms and Conditions as follows:

Section:

- 1) Payment of Funds. Within ten (10) business days of Menominee’s receipt of the Payment, Menominee shall pay \$162,468.76 to Oneida as Oneida’s share of the funding for the Joint Project.

is deleted in its entirety and replaced with the following:

- 1) Payment of Funds. Within ten (10) business days of Menominee’s receipt of the initial Payment, Menominee shall pay \$162,468.76 to Oneida as Oneida’s share of the funding for the Joint Project. Within ten (10) business days of Menominee’s receipt of additional funding Menominee shall pay to Oneida \$116,010.94 of the additional funding received for the Joint Project.

All provisions that are not so amended shall remain in full force and effect.

**IN WITNESS WHEREOF**, the parties hereto have executed this Amendment, which shall be effective upon final signature below.

**ATTEST:**

**MENOMINEE INDIAN TRIBE OF WISCONSIN**

\_\_\_\_\_  
Ronald Corn, Sr., Chairman

\_\_\_\_\_  
Date

**ATTEST:**

**ONEIDA NATION**

\_\_\_\_\_  
Tehassi tasi Hill, Chairman

\_\_\_\_\_  
Date

**Sub-Award Contract between the  
Menominee Indian Tribe of Wisconsin  
and the Oneida Nation**

This Agreement is by and between the Menominee Indian Tribe of Wisconsin (“Menominee”), P.O. Box 910, Keshena, WI 54135, and the Oneida Nation (“Oneida”), P.O. Box 365, Oneida, WI 54155 (each a “party” and collectively, the “parties”).

**WHEREAS**, the parties submitted a joint proposal to the United States Department of Agriculture (USDA) Food and Nutrition Service for the Food Distribution Program on Indian Reservations 2018 Farm Bill Demonstration Project for Tribal Organizations, and USDA selected the parties’ joint proposal for an award; and

**WHEREAS**, the parties have entered into an Memorandum of Agreement (the “MOA”) to work together to create and implement a joint 2018 Farm Bill Demonstration Project for Tribal Organizations (the “Joint Project”), and this Agreement constitutes the Sub-award Contract referenced in the MOA; and

**WHEREAS**, pursuant to section 4003(b) of the Agriculture Improvement Act of 2019 (P.L. 115-334, the 2018 Farm Bill), the parties have entered into a Model Agreement for Fiscal Year 2022, Contract No. A21AV01075 (the “Model Agreement”) and a Model Annual Funding Agreement for Fiscal Year 2022, Contract No. A21AV01075 (the “Model AFA”) with the United States Secretary of the Interior (the “Secretary”) acting for and on behalf of the United States Secretary of Agriculture, Food and Nutrition Service, through the cooperation with the United States Department of Interior/Bureau of Indian Affairs, Pacific Region; and

**WHEREAS**, pursuant to the Model Agreement and Model AFA, the Secretary will make a one-time, non-recurring lump sum payment (the “Payment”) to Menominee to fund the Joint Project;

**NOW THEREFORE**, based upon the parties’ mutual promises and other good and valuable consideration, the parties hereby agree as follows:

- 1) **Payment of Funds.** Within ten (10) business days of Menominee’s receipt of the Payment, Menominee shall pay \$162,468.76 to Oneida as Oneida’s share of the funding for the Joint Project.
- 2) **Compliance with Model Agreement and Model AFA.** Each party shall adhere to all provisions of the Model Agreement and the Model AFA, including the recordkeeping, reporting, monitoring and audit requirements. Each party shall prepare such reports at such times as required by the Model Agreement and Model AFA. Oneida shall submit its reports to Menominee, and Menominee shall combine Oneida’s reports with its own reports and submit the combined reports to the Awarding Official and the Awarding Official’s Technical Representative.

- 3) Limitations on Authority. Neither party shall have the right, power, or authority to create any obligation, express or implied, on behalf of the other party, or to represent itself as an agent of the other party.
- 4) Term. This Agreement shall be conterminous with the Model Agreement and Model AFA.
- 5) Counterparts. This Agreement may be executed in counterparts, each of which shall be deemed an original, but all of which taken together shall constitute one and the same instrument. Each person executing this Agreement represents and warrants that they have been duly authorized to do so. The Parties acknowledge and agree that facsimile and electronically transmitted signatures shall be valid for all purposes and, once signed and so delivered, each Party shall thereafter, upon the request of the other Party, execute and deliver to the other Party a signed original counterpart of this MOA.
- 6) Entire Agreement. This agreement, together with the MOA, the Model Agreement and the Model AFA, represent the entire agreement between the parties and together supersede all prior oral or written agreements, if any, between the parties regarding the Joint Project.
- 7) Severability. If any provision of this Agreement shall be held to be invalid, illegal, or unenforceable, the validity, legality, or enforceability of the remainder of this Agreement shall not in any way be thereby affected.
- 8) Amendment. This Agreement may only be amended by a written instrument executed by both parties.

IN WITNESS WHEREOF the parties hereto have executed this agreement on the date(s) set forth below.

MENOMINEE INDIAN TRIBE OF WISCONSIN

ONEIDA NATION

\_\_\_\_\_  
Gunnar Peters, Chairperson

*Tehassi tasi Hill*  
\_\_\_\_\_  
Tehassi tasi Hill, Chairman

Date: \_\_\_\_\_

Date: 10-13-2021

**ONEIDA LAW OFFICE***CONFIDENTIAL: ATTORNEY/CLIENT WORK PRODUCT*

TO: Brandon M. Wisneski  
Self Governance

*Use this number on future correspondence:*

FROM: James R. Bittorf, Deputy Chief Counsel

**2021-0724**

**James R. Bittorf** Digitally signed by James R. Bittorf  
Date: 2022.08.31 08:29:03 -05'00'

DATE: August 31, 2022

RE: Menominee Indian Tribe of Wisconsin-USDA MOA  
Addendum #1

*Purchasing Department Use*

**Contract Approved**

**Contract Not Approved**

*(see attached explanation)*

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*If you have any questions or comments regarding this review, please call 869-4327.*

The attached agreement, contract, policy and/or guaranty has been reviewed by the Oneida Law Office for legal content only. Please note the following:

1. Please confirm that this activity complies with the Public Health Declaration and any orders issued by the COVID-19 Decision Making Team and/or Public Health Officer.
2. Please review for compliance with the current budget resolution prior to entering into said contract.

- ✓ The document is in appropriate legal form. *(Execution is a management decision.)*
- ✓ Intergovernmental agreement requires Business Committee approval prior to execution.



**MEMORANDUM OF AGREEMENT BETWEEN  
MENOMINEE INDIAN TRIBE OF WISCONSIN AND  
ONEIDA NATION  
REGARDING JOINT 2018 FARM BILL DEMONSTRATION PROJECT**

**ADDENDUM #1**

**IN CONSIDERATION OF** promises and mutual covenants and agreements, the parties hereby agree to amend the Memorandum of Agreement referenced above entered into on or about \_\_\_\_\_ as follows:

- 1. Section 3(f) is created to read:
  - f) Either party may change their designated representatives listed in subsections a) and b) above and in Section 14 below by providing the other party written notification of said change in conformance with Section 14.
- 2. All other provisions of the Memorandum of Agreement remain unchanged.

**MENOMINEE INDIAN TRIBE OF WISCONSIN:**

**ONEIDA NATION:**

\_\_\_\_\_  
Ronald Corn, Sr., Chairperson

\_\_\_\_\_  
Tehassi Hill, Chairman

Date: \_\_\_\_\_

Date: \_\_\_\_\_

MEMORANDUM OF AGREEMENT BETWEEN MENOMINEE INDIAN TRIBE OF  
WISCONSIN AND ONEIDA NATION REGARDING JOINT 2018 FARM BILL  
DEMONSTRATION PROJECT

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THIS MEMORANDUM OF AGREEMENT (“MOA”) is by and between **Menominee Indian Tribe of Wisconsin** (“Menominee”) and the **Oneida Nation** (“Oneida”) (each a “Party” and collectively, the “Parties”).

**WHEREAS**, the Parties submitted a Joint Proposal to the United States Department of Agriculture (“USDA”) Food and Nutrition Service, Food Distribution Program on Indian Reservations 2018 Farm Bill Demonstration Project for Tribal Organizations (the “Joint Proposal”); and

**WHEREAS**, the Parties’ Joint Proposal was tentatively selected by USDA for an award for FY 2021 (the “Federal Award”) and the Parties intend to establish a joint 2018 Farm Bill Demonstration Project (the “Joint Project”); and

**WHEREAS**, the Parties have a common interest and seek to build the following pillars of food sovereignty into sustainable food system programs within each of their communities: 1) Focus on food for people, 2) Build knowledge and skills, 3) Work with nature, 4) Value food providers, 5) Localize food systems, 6) Put control locally, and 7) Food is sacred;

**NOW THEREFORE**, Menominee and Oneida understand and agree that **Menominee Departments** (including but not limited to the Department of Agriculture and Food Systems (“DAFS”), Department of Tribal Administration, Legal Services Department, Finance Department, and Intergovernmental Affairs) and **Oneida Departments** (including but not limited to the Environmental Health, Safety, Land and Agriculture Department, the Government Services Division, the Office of Self Governance, the Oneida Law Office, the Central Accounting Department, and the Intergovernmental Affairs and Communications Office) will work together as necessary to create and implement the Joint Project, subject to the following terms and conditions:

- 1) **Term.** This MOA shall be effective upon execution by the Parties and, unless earlier terminated pursuant to paragraph (10) below, shall terminate upon termination of either of the following contracts:
  - a) The Model Agreement (“Model Agreement”) and the Model Annual Funding Agreement (“Model AFA”) with the United States Secretary of the Interior for and on behalf of the United States Secretary of Agriculture for the Federal Award funds; and
  - b) Sub-award Contract between Menominee and Oneida for transfer from Menominee to Oneida of Oneida’s share of the Federal Award funds received from USDA pursuant to the Model Agreement and Model AFA.
- 2) **Purpose.** The Parties agree to work together in support of each Party’s self-determination and sovereignty as it relates to the Joint Proposal, which is hereby incorporated by reference and made a part of this MOA, the Joint Project and the Federal Award, which are also hereby incorporated by reference and included as a part of this MOA. The Parties further agree as follows:

MEMORANDUM OF AGREEMENT BETWEEN MENOMINEE INDIAN TRIBE OF  
WISCONSIN AND ONEIDA NATION REGARDING JOINT 2018 FARM BILL  
DEMONSTRATION PROJECT

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- a) Menominee and Oneida shall jointly negotiate and execute a the Model Agreement and Model AFA; and
- b) Oneida shall enter into a Sub-award Contract with Menominee to receive Federal Award funds; and
- c) Menominee shall be the primary recipient of the Federal Award funds and immediately disburse Oneida's funding amount portion in accordance with the terms of the Sub-Award Contract; and
- d) Respective staff as identified in the Recitals are hereby authorized to work together to create and implement the Joint Project, and each Party shall bear its own costs and expenses to do so; and
- e) The Parties shall mutually share and exchange information as necessary in order to meet shared obligations of the Joint Proposal, the Joint Project, the Federal Award, the Model Agreement and the Model AFA.

**3) Contacts & Communications.**

- a) The designated point of contacts for the Parties shall be:

Menominee Departments:

Main Point of Contact	<u>Annette Westphal</u> <a href="mailto:amwestphal@mitw.org">amwestphal@mitw.org</a>
Menominee Tribal Legislature	<u>Doug Cox</u> <a href="mailto:dgcox@mitw.org">dgcox@mitw.org</a>
Agriculture and Food Systems	<u>Gary Besaw</u> <a href="mailto:gbesaw@mitw.org">gbesaw@mitw.org</a>
Food Distribution	<u>Nancy Boyd</u> <a href="mailto:naboyd@mitw.org">naboyd@mitw.org</a>

Oneida Departments:

Main Point of Contact	<u>Candice Skenandore</u> <a href="mailto:cskena10@oneidanation.org">cskena10@oneidanation.org</a>
Business Committee	<u>Daniel Guzman</u> <a href="mailto:dguzman@oneidanation.org">dguzman@oneidanation.org</a>
Agriculture and Food Systems	<u>Vanessa Miller</u> <a href="mailto:vmiller@oneidanation.org">vmiller@oneidanation.org</a>
Food Distribution	<u>Marilyn King</u> <a href="mailto:mking1@oneidanation.org">mking1@oneidanation.org</a>

- b) For purposes of negotiating the Model Agreement and Model AFA, the Parties shall form a joint negotiation team, which at a minimum shall include from Oneida Daniel Guzman, Candice Skenandore, Vanessa Miller, and Jim Bittorf; and from Menominee Doug Cox, Annette Westphal, Gary Besaw, and Starlyn Miller. All negotiations with the USDA and the Bureau of Indian Affairs shall be conducted by the joint negotiation team, unless otherwise agreed by the Parties. All contacts with the USDA and the Bureau of Indian Affairs shall at a minimum include each Party's Main Point of Contact or his or her designee. Any other communications with USDA and the Bureau of Indian Affairs regarding the partnership between Menominee and Oneida, the Project, and/or

MEMORANDUM OF AGREEMENT BETWEEN MENOMINEE INDIAN TRIBE OF  
WISCONSIN AND ONEIDA NATION REGARDING JOINT 2018 FARM BILL  
DEMONSTRATION PROJECT

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the Model Agreement and Model AFA and Sub-award Contract shall be done jointly regarding scope of work, period of performance, and funding amounts except both Parties agree that day-to-day communications and technical questions do not need to be joint communications. The Parties further agree to copy each other by email and to keep each other informed regarding the latter.

- c) Both Parties agree to have regular quarterly meetings so as to facilitate communication and further the purposes of the MOA, the Joint Project, the Model Agreement, the Model AFA, and the Sub-award Contract between Menominee and Oneida for transfer of Federal Award funds received from USDA pursuant to the Model Agreement and Model AFA from Menominee to Oneida.
  - d) All communications with the public, whether through the media or otherwise, shall be approved by both parties prior to public dissemination. The Parties shall work together to ensure that all communications with the public are consistent in messaging.
  - e) Each Party may share information regarding the Joint Project with other interested parties. Prior to doing so, a Party must inform the other Party of the information it wishes to share and the party or parties with which it wishes to share the information, and the other Party shall have ten (10) calendar days to object to the sharing of the information. If the other Party objects to the sharing of the information, the Parties shall participate in and complete dispute resolution procedures prior to the sharing of the information. If the other Party does not object to the sharing of the information within ten (10) calendar days, it shall be deemed to have consented to the sharing of the information.
- 4) **Data and Information Sharing.** The Parties agree to share data for purposes of reporting and monitoring regarding the Joint Proposal, the Joint Program, and the Federal Award. The Parties further agree to share data and information as follows:
- a) The Parties shall provide one another with Food Distribution Program on Indian Reservations (“FDPIR”) aggregate data concerning their respective community food distribution program recipients and survey data information as it relates to the Joint Proposal and Joint Program; and
  - b) The Parties shall provide one another with Federal Award monitoring and reporting information as it relates to the Joint Proposal and the Federal Award funds received under the anticipated Model Agreement and Model AFA between Menominee, Oneida, and the Secretary of the Interior for and on behalf of the Secretary of Agriculture; and
  - c) The Parties shall share such data at least twice annually consistent with the dates agreed to by the Parties’ Main Points of Contact and in the manner and form agreed to by the Parties’ Main Points of Contact; and

MEMORANDUM OF AGREEMENT BETWEEN MENOMINEE INDIAN TRIBE OF  
WISCONSIN AND ONEIDA NATION REGARDING JOINT 2018 FARM BILL  
DEMONSTRATION PROJECT

---

- d) Any data or information exchanged by the Parties pursuant to this MOA shall be destroyed when it is no longer needed for federal grant purposes and no later than ten (10) years from the date the data or information is first received.
- 5) **Confidentiality.** The Parties understand that they or their staff may mutually share Confidential Information, as defined below, for purposes of the Joint Proposal, the Joint Project, the Federal Award, and associated monitoring and reporting requirements.
- a) Both Parties acknowledge that any communications, documents, mental impressions, factual analysis, memoranda, legal strategies and theories, confidences, analysis of experts, and information assembled, conveyed and received between or among them is mutually Confidential Information.
- b) Both Parties acknowledge and will maintain the Confidential Information in strict confidence in accordance with the terms of this MOA. Except as otherwise mutually agreed by the Parties, and except as, and to the extent, required by law or regulation or requirements of the Federal Award, the Model Agreement, the Model AFA or the Sub-award Contract, each party will only disclose the Confidential Information internally on a “need to know” basis to its representatives who are working on the Joint Project, each of whom will be advised, prior to such disclosure, of the confidential nature of the Confidential Information and the requirements of this MOA. If any of said need-to-know representatives is a third party consultant or advisor, each such third party shall execute an agreement in form satisfactory to the Parties to be bound by the confidentiality provisions of this MOA.
- c) Either Party, upon any third party’s attempt to compel, or compelling of disclosure of the Confidential Information, shall notify the other Party immediately, disclose only so much material from the Confidential Information as is legally required to be disclosed, and cooperate with the other Party’s efforts to protect and preserve the confidentiality of the Confidential Information.
- d) The provisions listed above will not apply to any portion of the Confidential Information that is generally available to the public other than as a result of a breach of this MOA, is independently developed by or on either Party’s behalf, or becomes available on a non-confidential basis from a third party, provided that such third party is not, to the Party’s knowledge, breaching any obligation of confidentiality or any other contractual, legal, or fiduciary obligation to either Party.
- e) Each Party shall notify the other Party of any request to disclose Confidential Information generated by the other Party, or any proceeding before any court, administrative agency, or tribunal to compel disclosure of such Confidential Information, as soon as practicable after receipt of such request or the initiation of such proceeding.

MEMORANDUM OF AGREEMENT BETWEEN MENOMINEE INDIAN TRIBE OF  
WISCONSIN AND ONEIDA NATION REGARDING JOINT 2018 FARM BILL  
DEMONSTRATION PROJECT

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- f) If a Party becomes subject to any judicial or administrative order purporting to compel release of Confidential Information generated by the other Party, the Party shall (a) promptly notify the other Party, and (b) make all reasonable efforts to give the other Party an opportunity to protect the Confidential Information.
- 6) **Indemnification.** Menominee shall indemnify and hold harmless Oneida, its affiliates, officers, directors, employees, and agents, from and against any and all claims, of whatever nature, for injuries, losses, or damages arising out of Menominee's negligence, gross negligence, intentional misconduct, or breach of this MOA, or the negligence, gross negligence, intentional misconduct of, or breach of this MOA by Menominee's affiliates, officers, directors, employees, or agents. Oneida shall indemnify and hold harmless Menominee, its affiliates, officers, directors, employees, and agents, from and against any and all claims, of whatever nature, for injuries, losses, or damages arising out of Oneida's negligence, gross negligence, intentional misconduct, or breach of this MOA, or the negligence, gross negligence, intentional misconduct of, or breach of this MOA by Oneida's affiliates, officers, directors, employees or agents.
- 7) **Dispute Resolution.** In an effort to resolve any conflicts that arise during the term of this MOA or following termination of this MOA, the Parties agree that informal efforts to resolve conflicts shall be undertaken. If efforts at informal resolution fail, disputes between the Parties arising out of or relating to this MOA shall be submitted to nonbinding mediation, unless the Parties mutually agree otherwise. The Parties do not agree to any form of binding Arbitration or binding Alternative Dispute Resolution. Nothing in this MOA shall constitute a waiver of sovereign immunity of any Party.
- 8) **Insurance.** Each Party shall maintain comprehensive general liability insurance, including coverage for bodily injury, property damage and contractual liability, with the following minimum limits: \$1,000,000.00 each occurrence and \$2,000,000.00 aggregate. Each Party expressly agrees to prohibit its insurance carrier from raising the defense of sovereign immunity with respect to any claim or claims arising out of or relating to this MOA.
- 9) **Severability.** If one or more of the sections or parts hereof are found to be unenforceable, illegal, or contrary to public policy, or are in some other manner declared to be unenforceable by a court of competent jurisdiction, this MOA shall remain in full force and effect except for that paragraph or portion determined to be unenforceable.
- 10) **Termination.** This MOA is at-will and either party may terminate this MOA, without cause, upon thirty (30) days written notice to the other Party. The provisions of paragraphs (4), (7) and (8) above shall survive termination of this MOA.
- 11) **Amendment.** This MOA may only be amended by a written instrument executed by both Parties.

MEMORANDUM OF AGREEMENT BETWEEN MENOMINEE INDIAN TRIBE OF WISCONSIN AND ONEIDA NATION REGARDING JOINT 2018 FARM BILL DEMONSTRATION PROJECT

- 12) Entire Agreement. This MOA, together with the Model Agreement, Model AFA and Sub-award Contract, shall constitute the entire agreement between the Parties with respect the Joint Proposal, the Joint Program, and the Federal Award.
13) Preservation of Rights. Nothing in this MOA shall be construed to waive any rights, claims, or privileges that a Party may have against the other Party or any other person or entity, and, except as provided in paragraph (3) above, nothing in this MOA shall obligate any Party to share documents of information with the other Party, whether or not such documents or information would be covered by this MOA as Confidential Information.
14) Notices. All Notices required or permitted to be given under this MOA shall be given to the Main Point of Contact for each Party, shall be in writing, and shall be personally delivered or delivered by facsimile or email at the addresses listed below:

Menominee Indian Tribe of Wisconsin
ATTN: Annette Westphal
Menominee Indian Tribe of Wisconsin
W2908 Tribal Office Loop Road
P.O. Box 910
Keshena, WI 54135
Email: amwestphal@mitw.org
Phone: 715-994-1375

Oneida Nation
ATTN: Candice Skenandore
Oneida Nation
N7210 Seminary Road
P.O. Box 365
Oneida, WI 54155
Email: cskena10@oneidanation.org
Phone: (920) 615-9702

- 15) Miscellaneous. This MOA may be executed in counterparts, each of which shall constitute one and the same document and shall become effective on the date it is executed by all Parties. Each person executing this MOA represents and warrants that she or he has been authorized to do so by the Party on behalf of whom she or he is executing the MOA. The Parties acknowledge and agree that facsimile and electronically transmitted signatures shall be valid for all purposes and, once signed and so delivered, each Party shall thereafter, upon the request of the other Party, execute and deliver to the other Party a signed original counterpart of this MOA.

MENOMINEE INDIAN TRIBE OF WISCONSIN:

ONEIDA NATION:

Handwritten signature of Gunnar Peters, Chairperson

Handwritten signature of Tehassi tasi Hill, Chairman

Date: 10/08/2021

Date: 10-13-2021

Post one (1) vacancy - Oneida Nation School Board

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## Business Committee Agenda Request

**1. Meeting Date Requested:** 09/14/22

**2. General Information:**

Session:  Open  Executive – must qualify under §107.4-1.

Justification: *Choose reason for Executive.*

**3. Supporting Documents:**

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Bylaws                    | <input type="checkbox"/> Fiscal Impact Statement | <input type="checkbox"/> Presentation           |
| <input type="checkbox"/> Contract Document(s)      | <input type="checkbox"/> Law                     | <input type="checkbox"/> Report                 |
| <input checked="" type="checkbox"/> Correspondence | <input type="checkbox"/> Legal Review            | <input type="checkbox"/> Resolution             |
| <input type="checkbox"/> Draft GTC Notice          | <input type="checkbox"/> Minutes                 | <input type="checkbox"/> Rule (adoption packet) |
| <input type="checkbox"/> Draft GTC Packet          | <input type="checkbox"/> MOU/MOA                 | <input type="checkbox"/> Statement of Effect    |
| <input type="checkbox"/> E-poll results/back-up    | <input type="checkbox"/> Petition                | <input type="checkbox"/> Travel Documents       |
| <input type="checkbox"/> Other: <i>Describe</i>    |  |   |

**4. Budget Information:**

- |  |  |                                     |
|--|--|-------------------------------------|
| <input type="checkbox"/> Budgeted                  | <input type="checkbox"/> Budgeted – Grant Funded | <input type="checkbox"/> Unbudgeted |
| <input checked="" type="checkbox"/> Not Applicable | <input type="checkbox"/> Other: <i>Describe</i>  |                                     |

**5. Submission:**

Authorized Sponsor: Lisa Liggins, Secretary

Primary Requestor: Bonnie Pigman, Recording Clerk

Additional Requestor: (Name, Title/Entity)

Additional Requestor: (Name, Title/Entity)


Submitted By: BPIGMAN





## Memorandum

TO: Oneida Business Committee

FROM: Brooke Doxtator, BCC Supervisor 

DATE: August 30, 2022

RE: Post one (1) vacancy – Oneida Nation School Board

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### Background

There is a vacancy on the Oneida Nation School Board (ONSB) - Parent/Guardian position that needs to be posted. The vacancy is due to three (3) positions being posted on the ballot for the 2022 Special Election, but there were only two (2) applications received. The vacancy is for term ending July 31, 2025.

### Action requested:

Post one (1) vacancy for the Oneida Nation School Board – Parent/Guardian position.

Enter the e-poll results into the record regarding the approved donation request in the amount of \$112,47

### Business Committee Agenda Request

1. Meeting Date Requested: 09/14/22

2. General Information:

Session:  Open  Executive – must qualify under §107.4-1.  
Justification: *Choose reason for Executive.*

3. Supporting Documents:

- Bylaws
- Fiscal Impact Statement
- Presentation
- Contract Document(s)
- Law
- Report
- Correspondence
- Legal Review
- Resolution
- Draft GTC Notice
- Minutes
- Rule (adoption packet)
- Draft GTC Packet
- MOU/MOA
- Statement of Effect
- E-poll results/back-up
- Petition
- Travel Documents
- Other: *Describe*

4. Budget Information:

- Budgeted
- Budgeted – Grant Funded
- Unbudgeted
- Not Applicable
- Other: *Describe*

5. Submission:

Authorized Sponsor: Lisa Liggins, Secretary

Primary Requestor: \_\_\_\_\_

Additional Requestor: (Name, Title/Entity)

Additional Requestor: (Name, Title/Entity)

Submitted By: CELLIS1

**From:** [Secretary](#)  
**To:** [Secretary](#); [Tehassi Tasi Hill](#); [Brandon L. Yellowbird-Stevens](#); [Cristina S. Danforth](#); [Lisa A. Liggins](#); [Daniel P. Guzman](#); [David P. Jordan](#); [Kirby W. Metoxen](#); [Ethel M. Summers](#); [Jennifer A. Webster](#)  
**Cc:** [Danelle A. Wilson](#); [Rhiannon R. Metoxen](#); [Kristal E. Hill](#); [BC Agenda Requests](#); [Rae M. Skenandore](#)  
**Subject:** E-POLL RESULTS: Approve the donation request in the amount of \$112,473 to the fundraising efforts of the NAIG, Team WI, Oneida from the BC Special Projects budget line  
**Date:** Friday, September 2, 2022 8:10:47 AM  
**Attachments:** [BCAR Approve the donation request in the amount of \\$112,473 to the fundraising efforts of the NAIG Team WI Oneida from the BC Special Projects budget line.pdf](#)

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## E-POLL RESULTS

The e-poll to approve the donation request in the amount of \$112,473 to the fundraising efforts of the North American Indigenous Games, Team WI, Oneida from the BC Special Projects budget line, bringing the balance to \$300,856.62 minus the 5% administration fee from OYLI, **has carried**. Below are the results:

Support: Marie Cornelius, Daniel Guzman King, David P. Jordan, Lisa Liggins, Brandon Stevens, Jennifer Webster

Aliskwet Ellis  
Information Management Specialist  
Government Administrative Office  
O: 920.869.4408 • E: [cellis1@oneidanation.org](mailto:cellis1@oneidanation.org)  
P.O. Box 365 • Oneida, WI • 54155



A good mind. A good heart. A strong fire.

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**From:** Secretary <[TribalSecretary@oneidanation.org](mailto:TribalSecretary@oneidanation.org)>  
**Sent:** Wednesday, August 31, 2022 8:19 AM  
**To:** Secretary <[TribalSecretary@oneidanation.org](mailto:TribalSecretary@oneidanation.org)>; Tehassi Tasi Hill <[thill7@oneidanation.org](mailto:thill7@oneidanation.org)>; Brandon L. Yellowbird-Stevens <[bstevens@oneidanation.org](mailto:bstevens@oneidanation.org)>; Cristina S. Danforth <[cdanfor4@oneidanation.org](mailto:cdanfor4@oneidanation.org)>; Lisa A. Liggins <[lliggins@oneidanation.org](mailto:lliggins@oneidanation.org)>; Daniel P. Guzman <[dguzman@oneidanation.org](mailto:dguzman@oneidanation.org)>; David P. Jordan <[djordan1@oneidanation.org](mailto:djordan1@oneidanation.org)>; Kirby W. Metoxen <[KMETOX@oneidanation.org](mailto:KMETOX@oneidanation.org)>; Ethel M. Summers <[esummer1@oneidanation.org](mailto:esummer1@oneidanation.org)>; Jennifer A. Webster <[JWEBSTE1@oneidanation.org](mailto:JWEBSTE1@oneidanation.org)>  
**Cc:** Danelle A. Wilson <[dwilson1@oneidanation.org](mailto:dwilson1@oneidanation.org)>; Rhiannon R. Metoxen <[rmetoxe2@oneidanation.org](mailto:rmetoxe2@oneidanation.org)>; Kristal E. Hill <[khill@oneidanation.org](mailto:khill@oneidanation.org)>  
**Subject:** E-POLL REQUEST: Approve the donation request in the amount of \$112,473 to the fundraising efforts of the NAIG, Team WI, Oneida from the BC Special Projects budget line

## E-POLL REQUEST

-

**Summary:**

Request to donate the remaining unspent balance of the BC special projects fund, \$112,473, to the Oneida Youth Leadership Institute fund (OYLI) for the expenses of the Oneida Nations representation at the North American Indigenous Games in Halifax, Nova Scotia July 15-23, 2023. The current balance of OYLI fund for NAIG is \$188,383.62.

**Justification for E-Poll:**

The Business Committee had a preliminary discussion regarding this request at in executive session on August 23, 2022, and supported this request being processed via e-poll. At that time, the request was estimated at \$75-\$85,000. This request contains the actual updated balances.

**Requested Action:**

Approve the donation request in the amount of \$112,473 to the fundraising efforts of the North American Indigenous Games, Team WI, Oneida from the BC Special Projects budget line, bringing the balance to \$300,856.62 minus the 5% administration fee from OYLI.

**Deadline for response:**

**Responses are due no later than 4:30 p.m., Thursday, September 1, 2022.**

**Voting:**

1. Use the voting button above, if available; OR
2. Reply with "Support" or "Oppose".

Aliskwet Ellis

Information Management Specialist

Government Administrative Office

O: 920.869.4408 • E: [cellis1@oneidanation.org](mailto:cellis1@oneidanation.org)

P.O. Box 365 • Oneida, WI • 54155



A good mind. A good heart. A strong fire.

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## Business Committee Agenda Request

1. Meeting Date Requested: 09/14/22

2. Session:

Open     Executive – must qualify under §107.4-1.

Justification: *Choose or type justification.*

3. Requested Motion:

Accept as information; OR

Approve e-poll results

4. Areas potentially impacted or affected by this request:

Finance

Programs/Services

Law Office

MIS

Gaming/Retail

Boards, Committees, or Commissions

Other: *Describe*

5. Additional attendees needed for this request:

*Name, Title/Entity OR Choose from List*

*Name, Title/Entity OR Choose from List*

*Name, Title/Entity OR Choose from List*

*Name, Title/Entity OR Choose from List*

**6. Supporting Documents:**

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Bylaws                            | <input type="checkbox"/> Fiscal Impact Statement | <input type="checkbox"/> Presentation           |
| <input type="checkbox"/> Contract Document(s)              | <input type="checkbox"/> Law                     | <input type="checkbox"/> Report                 |
| <input type="checkbox"/> Correspondence                    | <input type="checkbox"/> Legal Review            | <input type="checkbox"/> Resolution             |
| <input type="checkbox"/> Draft GTC Notice                  | <input type="checkbox"/> Minutes                 | <input type="checkbox"/> Rule (adoption packet) |
| <input type="checkbox"/> Draft GTC Packet                  | <input type="checkbox"/> MOU/MOA                 | <input type="checkbox"/> Statement of Effect    |
| <input checked="" type="checkbox"/> E-poll results/back-up | <input type="checkbox"/> Petition                | <input type="checkbox"/> Travel Documents       |
| <input type="checkbox"/> Other: <i>Describe</i>            |  |   |

**7. Budget Information:**

- |   |  |
|---|--|
| <input type="checkbox"/> Budgeted – Tribal Contribution | <input type="checkbox"/> Budgeted – Grant Funded |
| <input type="checkbox"/> Unbudgeted                     | <input type="checkbox"/> Not Applicable          |
| <input type="checkbox"/> Other: <i>Describe</i>         |  |

**8. Submission:**

Authorized Sponsor: Rae Skenandore, Budget Analyst

Primary Requestor: (Name, Title/Entity)



Oneida Nation  
Oneida Business Committee  
PO Box 365 • Oneida, WI 54155-0365  
oneida-nsn.gov



## Memorandum

To: Oneida Business Committee

From: Rae Skenandore, Budget Analyst

Date: August 30, 2022

Re: North American Indigenous Games Team WI, Oneida E-Poll Request

---

“The 10th North American Indigenous Games will be held from July 15-23, 2023 in Nova Scotia, Canada. It will host competitions in 16 sports within 21 venues across Kijipuktuk (Halifax), Dartmouth and Millbrook First Nation.

The North American Indigenous Games (NAIG) 2023 will bring together more than 5,000 athletes, coaches and team staff from 756+ Indigenous Nations celebrating, sharing and reconnecting through sport and culture. The vision for the Games for Indigenous Peoples of North America was to improve the quality of life for Indigenous Peoples by supporting self-determined sports and cultural activities which encourage equal access to participation in the social/cultural/spiritual fabric of the community in which they reside and which respects Indigenous distinctiveness”, see [www.naigcouncil.com](http://www.naigcouncil.com).

The Oneida Nation participates in the North American Indigenous Games along with native Nations within Wisconsin to allow our children opportunities to compete and to network with other indigenous peoples. The Oneida Business Committee has continuously supported the North American Indigenous Games.

In 2020 the Games were postponed and rescheduled to 2023 due to COVID-19. According to Cheryl Stevens, the Executive Manager of the Oneida Youth Leadership Institute (OYLI), there is \$188,383.62 in the fund for NAIG. The estimated budget in 2020 was between \$261,000 - \$279,000. Based on direction given by the Business Committee, I am requesting the unspent remaining balance of the GTC special projects fund as a donation to OYLI for NAIG expenses. According to the BC Area Manager, the balance of the OBC Special Projects Budget is: \$112,473. The Oneida Business Committee discussed this request on 8-23 and agreed to process the request via e-poll to bring the balance to \$300,000. At that time, the request was estimated to be \$75,000 - \$85,000. This request contains the actual updated fund balances. Donating the entire Special Projects fund will bring the balance to \$300,856.62 An administrative fee of 5% will be charged by OYLI, leaving a final balance of \$295,232.97 for NAIG expenses.

Accept the Oneida Golf Enterprise FY-2022 3rd quarter report

---

## Business Committee Agenda Request

1. Meeting Date Requested: 08/23/22

2. Session:

Open     Executive – must qualify under §107.4-1.

Justification: *Choose or type justification.*

3. Requested Motion:

Accept as information; OR

*Enter the requested motion related to this item.*

4. Areas potentially impacted or affected by this request:

Finance

Programs/Services

Law Office

MIS

Gaming/Retail

Boards, Committees, or Commissions

Other: *Describe*

5. Additional attendees needed for this request:

Jeff Wilson, GM Thornberry Creek at Oneida

*Name, Title/Entity OR Choose from List*

*Name, Title/Entity OR Choose from List*

*Name, Title/Entity OR Choose from List*



**6. Supporting Documents:**

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Bylaws                 | <input type="checkbox"/> Fiscal Impact Statement | <input type="checkbox"/> Presentation           |
| <input type="checkbox"/> Contract Document(s)   | <input type="checkbox"/> Law                     | <input checked="" type="checkbox"/> Report      |
| <input type="checkbox"/> Correspondence         | <input type="checkbox"/> Legal Review            | <input type="checkbox"/> Resolution             |
| <input type="checkbox"/> Draft GTC Notice       | <input type="checkbox"/> Minutes                 | <input type="checkbox"/> Rule (adoption packet) |
| <input type="checkbox"/> Draft GTC Packet       | <input type="checkbox"/> MOU/MOA                 | <input type="checkbox"/> Statement of Effect    |
| <input type="checkbox"/> E-poll results/back-up | <input type="checkbox"/> Petition                | <input type="checkbox"/> Travel Documents       |
| <input type="checkbox"/> Other: <i>Describe</i> |  |   |

**7. Budget Information:**

- |   |  |
|---|--|
| <input type="checkbox"/> Budgeted – Tribal Contribution | <input type="checkbox"/> Budgeted – Grant Funded   |
| <input type="checkbox"/> Unbudgeted                     | <input checked="" type="checkbox"/> Not Applicable |
| <input type="checkbox"/> Other: <i>Describe</i>         |  |

**8. Submission:**

Authorized Sponsor: Justin Nishimoto, Business Analyst

Primary Requestor: (Name, Title/Entity)



## 3<sup>rd</sup> Quarterly Report (April – June 2022)

---

### Narrative Report Analysis

#### Business Overview:

Overall, the 3<sup>rd</sup> quarter saw several challenges due to human capital shortage, which directly posed a threat and effected the F&B and Golf department, however we were able to still accommodate and host a numerous number of events which included 28 – Weddings & 47 – Golf Outing/Events.

We re-examined all pricing in the F&B Department along with the Golf Department in June and targeted and realigned our COG's (Cost of Good's) target margin in the F&B Department, which now centers and aligns with industry standards/trends. We are targeting a Food COG of 30% and on a Beverage/Beer/Alcohol COG we are targeting a range from 18%-22%. In addition, we have also adjusted our Catered Beverage pricing for all event to be even more favorable to revenue.

#### Key Performance Notes:

- Season began approximately six weeks later than 2021.
- Staffing shortages have created a lag in event billings, leading to unrecognized revenue. Many June events were billed in early July.
- Wages were increased to keep up with market demands. Hourly and salaried positions have all seen an increase YOY leading to budge shortfall.
- PPP Loan #1 forgiveness recognized in FY22 is driving our operating expenses down. We do anticipate forgiveness of PPP Loan #2 in Q4.
- With new kitchen leadership and pricing structures, we anticipate a correction to F&B COGS in Q4
- C&G expenses greater than expected due to cleanup from June storms that fell many trees and closed the course for 1.5 days. (Insurance claim has been initiated to recoup some costs)
- Event bookings are strong through Q4, and revenue is expected to be recognized prior to FY22 year end.

### Personnel Update

#### General and Adminstrative

- Interim General Manager – Jeff B. Wilson CCM, PGA, LCAM (3 months + 6 days)
- Controller – Joe Hanrahan (5 months + 16 days)

**Course and Grounds**

- Golf Course Superintendent – Steve Archuibald (13 years + 7 months)
- Assistant Golf Course Superintendent – Pete Nowak (16 years + 6 months)
- Golf Course Mechanic – Ed Brusky (13 years + 6 months)

**Golf**

- Interim Golf Professional – Justin Meier (5 months + 17 days)

**Food and Beverage**

- Executive Chef – Jason Pump (1 month + 22 days)
- Sous Chef – Mike Provost (1 month + 20 days)
- Banquet Chef – Lindsey Klatt (5 months + 7 days)

**Sales and Marketing**

- Sales and Marketing Director – Shawn Prunick (5 months + 17 days)
- Event Coordinator – Sieeria Vieaux (9 months + 18 days)
- Admin/Event Coordinator – Aubrey Winters (2 months + 2 days)

**Key Marketing Actions to Drive Performance:**

- Developed a “piggyback” golf marketing program. For every golf outing that TCO is hosting we provide for every player a foursome certificate to return at a favorable golf rate (\$55.00 per person) that is time and day sensitive.

**Course & Grounds Report:**

- The golf course lost approximately 40 trees during the tornado this summer and we have a pending insurance claim to cover the lost of revenue, labor and materials.

Best Regards,

*Jeff Wilson*

Jeff Wilson, CCM, PGA, CAM  
General Manager  
Thornberry Creek at Oneida